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Judiciary Committee March 24, 2023
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WAYNE: Welcome, everyone, to this beautiful Friday. It is the last hearing of this committee for the next two years. There will be no hearings next year so. All right. Good afternoon and welcome to the Judiciary Committee. After I make this announcement, I'm going to step out and repeat the announcement three times down the hallway, just so everybody has a clear understanding of how we're going to do our bills today. I won't have to go through the whole thing that I'll tell them out there because it only affects one bill out there. My name is Justin Wayne. I represent Legislative District 13, which is north Omaha and northeast Douglas County. I will have staff and senators do self self-introductions, starting with my right, Senator Ibach.

IBACH: Good afternoon. Senator Teresa Ibach from District 44, which is eight counties in southwest Nebraska.

McKINNEY: Good afternoon. Terrell McKinney, District 11, north Omaha.

GEIST: Good afternoon. Suzanne Geist, District 25, which is Lincoln and Lancaster County, east side.

DeBOER: Sorry. I'll be quiet.

JOSH HENNINGSSEN: Josh Henningsen.

ANGENITA PIERRE-LOUIS: Angenita Pierre-Louis, committee clerk.

DeBOER: Hi, everyone. My name is Wendy DeBoer. I represent District 10 in northwest Omaha.

BLOOD: Senator Carol Blood representing District 3, which is western Bellevue and eastern Papillion, Nebraska.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

DeKAY: Good afternoon. Barry DeKay, District 40, representing Holt, Knox, Cedar, Antelope, northern part of Pierce County, and most of Dixon County.

WAYNE: Thank you. And also assisting us is our committee pages, Logan Bartek [PHONETIC] Brtek from Norfolk. Logan Brtek from Norfolk, I believe. Oh, see, I was right-- who is a political science criminology major in UNL, and Isabel Kolb, who is from Omaha, is a political science and pre-law major at UNL. This afternoon, we'll be hearing

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five bills and they'll be taken up in the order listed outside. We have blue testifier sheets where?

ANGENITA PIERRE-LOUIS: Outside.

WAYNE: They're outside. Does everybody here who's going to testify have a blue testifier sheet? All right, good to go. We'll be using the three-minute light system. Green means talk, keep talking, have a great talk. And then when it turns yellow, it will be one-minute warning. And at red, we will cut you off. If there's any-- and then you'll have questions from the senators. How this works today is we'll have the introducer open. Then we'll have proponents of the bill, then by opponents, and then we will go to neutral and then that senator is allowed to close. And with that, we will open our first hearing on LB720. Senator Dover.

DeBOER: Senator Dover, welcome.

DOVER: Thank you, Chairman Wayne and good afternoon, committee members. My name is Robert Dover, R-o-b-e-r-t D-o-v-e-r, and I represent-- and I represent Legislative District 19, which consists of Madison County and part of Pierce County. I've introduced LB720 and AM951 to change the method of releasing a lien on real and personal property created by a support order judgment where that support order judgment is verifiably current and no arrears are owed. Under the current law found in Section 42-371, a support order judgment creates a lien on real or personal property of the judgment creditor. This means that a support order judgment creates an automatic lien on real property located in the same county in which the judgment is entered. Under current law, the lien created by a support order judgment may only be released if the judgment creditor delivers a notarized release, which is then filed in the court case in which the judgment arose. This is true even if the judgment debtor is verifiably current on the support payment. This process usually functions smoothly. However, in some cases, this requirement can create significant logistical challenges and hamper the transfer of real estate real property such as if a judgment creditor will refuse to release the lien even when support is current. If the judgment creditor refuses to release the lien, this can delay the transfer of real property to a third-party buyer. This can then create a chain reaction in which a third-party buyer is delayed in purchasing the property with the judgment lien. In many cases, a buyer can only purchase their next home when they have current-- they have sold their current home. When the property cannot be sold due a judgment creditor refusing to sign

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the release, the house cannot be closed. This can then create undue hardship on families trying to purchase a home that are not involved in the dispute between the judgment debtor and creditor. LB720 proposes to solve this problem by clarifying that lien under the support order judgment attaches only when the amount due accrues. It is then automatically released when the amount due is paid. This would clarify that there is no lien attached to the property of the judgment debtor, so long as they remain current on their obligation under the support order judgment. Further, the current law, as written, is widely interpreted to mean that any arrearage owed under the support order judgment relates back to the date of the judgment itself for purposes of determining the time of attachment. LB720 also aims to eliminate the problem of an after accrued arrearage, which relates back to the date of the judgment, which is prior to the transfer of the real property real estate. AM951 before you is an improved version of LB 720 after the Land and Title Association consulted with other stakeholders, including attorneys who practice in family law area. I will conclude by emphasizing that a release would be required if any amount of arrearages are-- were owed at the time of the property transfer. This is to protect judgment creditors from delinquent support payments. LB720 is intended only to apply to those cases where the judgment debtor has met their obligations under the support order judgment and is current on their obligation. I would be happy to answer any questions of the committee. Sam Cooper with the Nebraska Land and Title Association will follow me and can answer any in-depth questions you may have. Thank you.

DeBOER: Thank you, Senator Dover. Are there questions from the committee? I don't see any today, Senator Dover. Thank you.

DOVER: Thank you.

DeBOER: Are you going to stay around to close?

DOVER: Yes.

DeBOER: OK. Thank you. We'll have our first proponent, please. Welcome.

SAM J. COOPER: Thank you. Members of the committee, my name is Sam J. Cooper. I'm with the Nebraska Land Title Association. I'm the legislative committee co-chair of that association. The Nebraska Land Title Association is an organization of land title professionals that operates throughout the entire state of Nebraska. When you think of

that organization, you think mostly title companies. That's mostly who we are, title insurance agents and title insurers, though there are some others in there, attorneys and others. We're here today to voice our support for LB720. As Senator Wayne or as Senator Dover mentioned, the current state of the law is that under 42-371, a judgment or a support order relates back to the date of the judgment. Because any accrued arrearages relate back to the date of the judgment at the time of closing on real estate, the practice in the state is that a release is required from the judgment creditor. And that release must be prepared, due to the Supreme Court rules on the unauthorized practice of law in the state, that release must be prepared by an attorney. And in order to get that release, title companies as a general matter order that release from an out-of-house attorney or out of company attorney at extra expense and extra time to the judgment debtor. We aim to essentially with this bill, just release or eliminate the requirement of that release where it is verifiable that the debtor is current. And we are aiming to do that so that we can pass on title to the real estate in those cases where the debtor is current and is attempting to sell their real estate. We aim to do this more easily. I want to reiterate that we do not aim to reduce the security of the judgment creditor, and we intend for this bill to, to affect those cases where the judgment debtor is verifiably current on their support order payments. The aim there is just to smooth out the process of real estate closings and to eliminate some extra costs and potential delays in the process for the parties involved. With that, I'd answer any questions.

DeBOER: Thank you. Are there any questions? Senator Holdcroft.

HOLDCROFT: Can you help me out? Thank you, Vice Chair DeBoer. Can you help me out with what's your vision of the form that this proof of currency will take? I mean, is it a piece of paper that the individual gets from DHHS or, or how is that going to work?

SAM J. COOPER: The current amendment as proposed I think contemplates that we would go online all title companies in the state. As a matter of practice, use a system called iCHARTS where we're able to view the Department of Health and Human Services support order payments in real time. The-- I think the goal or the contemplated method would be to check that at the time of closing and verify that they are in fact current.

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HOLDCROFT: OK. And that's what you do now, pretty much, I mean, to, to identify the not "currentsee" of-- or how does-- how does it come up that this individual is not current on his payments?

SAM J. COOPER: So the practice now is that whether or not they're current on payments is immaterial. We have to seek the release in all cases. So in all cases we must go to the judgment creditor and seek their release of the lien, even in cases where the judgment debtor is verifiably current. So in this instance, we aim to just eliminate that requirement where we don't have to bring the judgment credit-- order typically about a \$100 prepared release from an attorney and then bring in the judgment creditor, have them sign that under notary and file in the court case.

HOLDCROFT: Thank you.

DeBOER: Thank you, Senator Holdcroft. Other questions for this testifier? I don't see any. Thank you so much.

SAM J. COOPER: Thank you.

DeBOER: Next proponent. Is there anyone else who would like to testify in favor of this bill? Now we'll move to opponents. Is there anyone who would like to testify against this bill? Next, we'll look for neutral capacity.

TIM HRUZA: Good afternoon, Vice Chair DeBoer, members of the Judiciary Committee. My name is Tim Hruza, last name is spelled H-r-u-z-a, appearing today on behalf of the Nebraska State Bar Association in a neutral capacity on LB720. I do want to be clear the Bar Association took a position in opposition to the bill as drafted. AM951 that's been filed on the bill cleans up a lot of our major concerns about the effect of the bill. I do also want to be clear though, with the committee that we still have some reservations and intend to work with the proponents of the bill as we move forward with another amendment that we expect to work on over the remaining months of session or shortly here as well. We've had a number of conversations with the Land Title Association, have had good back and forth. We've got members on both sides of this, this issue. Right? So Mr. Cooper is an attorney and I have worked with him on this. We have plenty of attorneys that want to help clear this up and make it easier. What I think has drawn the consternation of a broad swath of the practice areas, so you have the family law section that's impacted by this when you-- when you deal with the child support decree. You've got the real

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estate title section of the bar that's kind of dealing with how do we close on these title things. The current state of the law is that a lien against the property exists both for the security against payments, arrearages that accrue, rights, so if a payor fails to make their child support payment one month, they would be in, in arrears with respect to that payment. The security exists, the lien exists to help secure that payment. But the court precedent that's developed over decades now is pretty clear, too, that it also serves as security for future payments to ensure that there's something there. We don't require every single obligor, right, so a person who's paying child support, to post security. But the statutes are very clear. And even if you look at the green copy amendment or this particular section of statute, there are other pieces that do allow judges to issue or to require or to place some sort of collateralization for the future payments of that debt. Right? So right now under the law, if you wanted to go in and sell your home, but you owed child support payment to an ex-spouse, you can-- the ex-spouse has the right to go in and ask a judge to order a bond, right, place-- to place security if you've had somebody who's had historic issues with payments. We've had a number of discussions, and I've talked with ex-- former judges, with family law attorneys, with title folks. This makes it better, which is why I'm here in a neutral capacity. We, we want to talk a little bit more about how it affects the collateralization approach and the security for future payments issue and whether that changes the principle of the law as it currently stands moving forward. We may all get together and have a discussion and say that's a policy choice the Legislature can make. I think there's just some practical discussions about what that will mean for ultimately the children to whom these payments are made, right, for the benefit of the kids that receive the child support payments. So with that, I'm open to any questions. I'd be happy to answer.

DeBOER: Any questions for Mr. Hruza? I don't see any. Thanks for being here.

TIM HRUZA: Thank you.

DeBOER: Anyone else in a neutral capacity? While Senator Dover is coming up for closing, I will note for the record that there were two letters, one in support and one in neutral capacity. Senator Dover, you're welcome to close.

DOVER: Thank you. What we're just trying to do here is simplify things. And obviously we don't believe that someone who may, in many

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cases because of a situation, may have hostile feelings toward someone else and for that reason, they refuse to sign which is-- which they will eventually have to go to court to sign anyway. So I don't think they should be able to hold the closing hostage. And many times it's not just affecting their family, but other families. And sometimes in real estate we'll even see three houses in a row. Yeah, I appreciate working with the bar on this. I did find out that how often does this happen where they're in a court and they want additional securities or a bond or something, and talked to a retired district judge who said 5 times in 15 years. So hopefully we'll be able to find a resolution for this. But I do think it's a-- it's a nice cleanup. There's no reason that we need to tie up the courts and things like this just because there's an animosity between a couple of people. So anyway, I thank you for your consideration. Hopefully you will-- I'd appreciate it if you'd get it out of committee, and I think it's a nice cleanup. If there's ever questions after this meeting, I'd be glad to answer it before we're talking. So thank you very much.

DeBOER: Thank you, Senator Dover. Let's see if there are any questions from the committee. I don't see any. Thank you for being here.

DOVER: Thank you.

DeBOER: That will end our hearing on LB720 and open our hearing on LB347, Senator John Cavanaugh. Welcome to your Judiciary Committee.

J. CAVANAUGH: Thank you, Vice Chair DeBoer. Good afternoon, members of the Judiciary Committee. I am Senator John Cavanaugh, J-o-h-n C-a-v-a-n-a-u-g-h, and I represent the 9th Legislative District in midtown Omaha. And I'm appearing today for the final time this session in front of the Judiciary Committee to introduce LB347, which would provide additional requirements for the sale of catalytic converters to metal recyclers. This is a bill that was originally introduced last year in this committee by Senator Lathrop and aims to address a problem that is increasingly prevalent in a lot of our districts, and particularly in mine, the theft of catalytic converters. You'll hear from those behind me some more details-- detailed statistics on catalytic converter theft. But this is an issue that is of particular concern to my constituents. LB347 provides additional requirements for the sale of catalytic converters to make sure that the person selling obtained it from a legitimate legal source. LB347 requires the VIN, a VIN number, year, make, and model of the vehicle from which the catalytic converter was obtained; that all purchases made from the same person in a single calendar day shall be treated as a single

transaction; and that payment will be made by check through the U.S. mail with U.S. postage paid. Recyclers are required to keep catalytic converters in the condition they receive them for at least five business days. Finally, this bill raises the penalty for a violation from a Class II to a Class I misdemeanor. I know you've had a long day, so I'll keep it short. I'd be happy to take any questions. And I would just say that I have a bill in Government, and so I will stay as long as I can, but I may have to duck out before closing. But-- and I know folks are going to come and have some constructive criticisms. And as this bill moves forward, I'm certainly going to be willing to entertain those.

DeBOER: All right. Thank you, Senator Cavanaugh. Are there questions for Senator Cavanaugh? I don't see any at this time. So we'll have our first proponent then.

DARREN CUNNINGHAM: Good afternoon, Senators of the Judiciary Committee. My name is Darren Cunningham, D-a-r-r-e-n C-u-n-n-i-n-g-h-a-m. I am a sergeant of the Omaha Police Auto Theft Unit, and I'm testifying on behalf of Chief Todd Schmaderer and the Omaha Police Department in support of LB347. The Omaha Police Department has been a significant-- has seen a significant increase in the theft of catalytic converters over the past several years. Between 2016 and 2019, Omaha averaged 55 catalytic converter thefts per year. This increased to 460 catalytic converter thefts in 2020. In 2020 and 2021, an average of 1,466 converters were stolen each year. So from 2016 until 2022, there's been an increase of over 2,500 percent of this type of crime. There are several reasons that these thefts have been skyrocketing in Nebraska as well as nationwide. They're easy to steal. Suspects are able to roll under a victim's vehicle, make two quick cuts of the metal pipes of the catalytic converter and remove it. This can be done in less than a minute. They are difficult to track once the converter has been removed and the suspect is no longer in proximity to the victim's vehicle. They are extremely valuable. The sale of catalytic converters to salvage yard can range from \$50 to \$450. This amount fluctuates based on the market value of the precious metals contained within the converters. They can be easily converted to cash by selling to salvage yards. Until Omaha passed a city ordinance last year, suspects were able to quickly cash checks that were issued to them and in some instances salvage yards were paying directly in cash. Catalytic converter thefts are significantly impacting victims. The cost to replace a catalytic converter can range from \$1,000 to \$2,500, depending on the make and model of the vehicle. The cost can be significantly higher on commercial vehicles, vans, and

school buses. Our investigations have shown that catalytic converters are often stolen by suspects who have a drug history. The ability to steal converters in a short period of time, often in broad daylight, and quickly turn those converters into cash facilitates the drug use cycle. We have also seen an increase-- we've also seen violence associated with the stealing of catalytic converters. We've had thefts interrupted by victims; in some instances, shots fired at the victim. And in one instance, we had an officer exchanged gunfire with the suspect. LB347 would assist in decreasing the market for stolen catalytic converters. Our goal as a proponent of this bill is to reduce the market for illegally obtained catalytic converters. We [INAUDIBLE] to accomplish this goal through the passage of LP 347 will have a positive impact on victims and businesses that have had to deal with the expensive process of having their catalytic converter replaced. I'd like to thank Senator Cavanaugh for introducing this bill and the committee members for your consideration. Does anyone have any questions?

WAYNE: Thank you for your testimony. Any questions from the committee? Seeing none, thank you for being here.

DARREN CUNNINGHAM: Thank you, Senator.

WAYNE: Next proponent.

TIM LYNCH: Good afternoon, Chair Wayne and members of the committee. My name is Tim Lynch, senior director of government affairs at the National Insurance Crime Bureau based in Des Plaines, Illinois. The NICB is a national not-for-profit organization supported by about 1,200 property and casualty insurance companies, including many who write business here in Nebraska. We have two agents assigned to Nebraska, one in Lincoln, one in Omaha. Working together with our member companies and law enforcement, we help investigate, I'm sorry, detect, prevent, and deter insurance crimes, including vehicle theft and this issue, catalytic converter theft. We're here in strong support of LB347, which seeks to combat this issue here in Nebraska. I should say welcome to the legislative party. You are now the 30th state to have a bill in this regard. In fact, there are 74 different pieces of legislation across the country on this issue right now. So it's obviously an issue of importance everywhere. As my predecessor mentioned, this deals with the precious metals that are involved in this catalytic converter. That's the elements of-- primarily the metals of rhodium, platinum and palladium which are all used in the construction of the converters. These metals can be recycled into new

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products. Nationwide, these thefts have gone up by 1,200 percent nation-- in 2019, there were 3,300 catalytic converter thefts. In 2020, there were 14,000. And in 2021, there were over 52,000. Our investigative work at salvage yard inspections here in Nebraska have experienced the challenge of identification, record checking, and verification of converters found on the premises. If passed, this bill will make these inspections and investigations much more effective. My predecessor mentioned that the challenge with replacing these can cost thousands of dollars, which costs all of your constituents. So with that, I'm not going to repeat anything that's been said prior to this. I want to keep this short, but we strongly support this bill. We thank Senator Cavanaugh for its introduction. Pleased to be here. Pleased to answer any questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

TIM LYNCH: Thank you.

WAYNE: Next proponent. Next proponent.

ROBERT M. BELL: Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Robert M. Bell, last name is spelled B-e-l-l. I'm the executive director and registered lobbyist for the Nebraska Insurance Federation. I'm here today in support of LB347. Thanks to Senator Cavanaugh for its introduction. The Nebraska Insurance Federation is a state trade association of insurance companies. The Federation currently has over 40 member insurance companies. Federation members include companies who write all lines of insurance and who provide over 16,000 jobs in the Nebraska economy and over \$14 billion economic impact to the state on an annual basis. Perhaps most importantly, the Nebraska Insurance Federation member companies provide high-value quality insurance products that protect Nebraska-- Nebraskans during difficult times. One of those difficult times is when your catalytic converter is cut off your vehicle. I think you've heard already from Mr. Lynch, and an individual from the city of Omaha about the problem that is happening right now, not only in Omaha but also Lancaster County. Just doing some Google searching on this, also we've had arrests in Buffalo, [INAUDIBLE] Hall, and Stanton County related to catalytic, catalytic converter theft. So anything we can do to help tamp down the secondary market related to that and allow legitimate transactions to proceed would be good. So for those reasons, the Insurance Federation would support the passage of LB347. Thank you for the opportunity to testify.

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WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

ROBERT M. BELL: You're welcome.

WAYNE: Welcome back.

BLAIR MacDONALD: Thank you. Chair Wayne and members of the Judiciary Committee, my name is Blair MacDonald, B-l-a-i-r M-a-c-D-o-n-a-l-d, and I am here today on behalf of the Alliance for Automotive Innovation or Auto Innovators in support of LB347 that would put in place necessary restrictions on the sale of catalytic converters. From the manufacturers producing most vehicles sold in the U.S. to autonomous vehicle innovators to equipment suppliers, battery producers and semiconductor makers, the Alliance for Automotive Innovation represents the full auto industry, a sector supplying 10 million American jobs and 5 percent of the economy. Active in Washington, D.C., and all 50 states, the association is committed to a cleaner, safer, and smarter personal transportation future. The Auto Innovators is very appreciative of Senator John Cavanaugh for introducing this bill. A catalytic converter is a small control device that contains precious metals, as we've heard, and the high value of those metals in the recycling market, combined with the ease with which the devices can be stolen using basic tools, has contributed to a lucrative market for thieves. And the pandemic has only exacerbated that problem, as we've heard with some of the statistics from the city of Omaha. This is also-- this is a national issue. It's not only affecting Nebraskans and our communities here, but hybrids and plug-in hybrid vehicles are becoming more common on the roads; and they have actually been the most frequent targets for catalytic converter thefts. So to that end, the Alliance for Automotive Innovation believes that proper protections and safeguards that help track sales and identify legitimate sales from illegitimate ones are critical to both deterring and prosecuting catalytic converter thefts. So we appreciate the way in which this legislation has been drafted in the past. We also understand that there are-- there's a potential for some amendment language from the opposition. We would be happy to work with the opposition on any sort of compromise so that we could see some of these protections put in place for the entire state of Nebraska. You know, in Omaha and Lincoln, there are city ordinances with restrictions on catalytic converter sales as it is. But this is an issue that affects the entire state as well as the fact that we are right across the way from Iowa. And so catalytic converters can be stolen off of vehicles here and sold there or vice versa. So any, any

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protections put in place through this legislation would be much needed. And we appreciate Senator Cavanaugh for introducing this bill and, again, support the legislation. Any questions?

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

BLAIR MacDONALD: Thank you.

WAYNE: Next proponent. How many other testifiers are on this bill?

KORBY GILBERTSON: Good afternoon, Chairman Wayne, members of the committee. For the record, my name is Korby Gilbertson, that's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n. I'm appearing today as a registered lobbyist on behalf of the Nebraska New Car and Truck Dealers Association in support of LB347. I'm not going to go back through all the discussion about the precious metals and things, but I thought one thing that was interesting to talk about is that the number of thefts has actually been continuing to increase, even though there has been legislation passed and ordinances passed in cities. There was an article released in the middle of this month on the 14th actually, that now estimates that nationwide there were over 150,000 catalytic converters stolen in the United States and that the previously thought number of 52,000 was based on insurance claims. But what they found was many people don't have comprehensive insurance on their vehicles and so those people didn't ever file a claim. Sometimes the delay in figuring out that the converter had been stolen caused delays in getting them repaired. So this problem is likely bigger than we even expect right now. Another piece of information I thought was interesting, so the top cars in Nebraska that are likely to have them stolen are F-Series Ford Pickup, Chevy Silverado, Chevy Equinox, a Ford Econoline van, the Honda CRV, Ford Explorers, Honda Accords, Chevy Cruzes, Kia Souls, which Kia Soul came from nowhere on the list to the number nine, and Jeep Patriots. So if you know anybody that owns one of those, know that those are the top ten that they're looking for here. I'd be happy to answer your questions if you have some.

WAYNE: Thank you. Any questions from the--

GEIST: I do just briefly.

WAYNE: Senator Geist.

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GEIST: What makes-- how do they get-- they get on the list because they're easier to access?

KORBY GILBERTSON: So the top ten and it's-- and it can also have to do with the value of the catalytic converter itself.

GEIST: OK.

KORBY GILBERTSON: So the value of the converters range from standard cars to, to hybrid vehicles. And hybrid vehicle converters can go over \$1,000 for when you sell them. So that's the difference. And like Blair said, they don't just have to sell them here in Nebraska. They can send them other places wherever they're finding out they make the most money off of them.

GEIST: OK. Thank you.

KORBY GILBERTSON: Um-hum.

WAYNE: Any other questions? Seeing none, thank you for being here.

KORBY GILBERTSON: Thank you.

WAYNE: Next proponent. We move to opponents, opponents.

ROBERT ELLIS: Good afternoon. My name is Robert Ellis and I am senior vice president and general counsel of Alter Trading Corporation who I'm here on behalf of today. I also have with me today a couple other representatives of Alter, our vice president from Omaha who oversees our eight locations in Omaha; our director of quality assurance from Iowa, Galen Crozier; and also Steve Napoleone, who happens to be the manager of Sadoff Iron and Metal, who's one of our competitors here in town, and a very good competitor and a good company. Just a little quick background on Alter, our company has been around since 1898. We have-- are celebrating our 125th anniversary this year. We have 67 scrap locations in eight states, along with an office in Singapore. We have 1,500 employees. We are ISO 914,001 certified and we have eight facilities in Nebraska as I said before. We're not your proverbial junkyard down at the end of the street that is buying or wants to buy anything that's stolen. That's absolutely against our policy. And we are here oppo-- opposing this bill at this point, even though we are also in favor and recognize the catalytic converter thefts. But we are not the bad guys here. We are not the ones stealing it. We are a sophisticated, good company and our industry was deemed essential during COVID because of the significant impact we play in the

manufacturing and infrastructure of the United States. I also have some handouts that one of my cohorts is going to hand out that talks about-- from our industry, ISRI, that talks about the contributions and the economic impact of recycling industry in Nebraska. This last year alone, we contributed in 2021, I'm sorry, the last statistics we have, \$128 million in wages, \$495 million in overall economic benefits, and \$41 million in taxes that our industry contributed to the state of Nebraska. So again, we're not some small guy. And catalytic converter theft is a-- is a problem. And we are here to work with Mr.-- Senator Cavanaugh, and we've offered to do that for the last two months. As I said, we're operating 67 other locations, and we've worked collaboratively with the municipalities in the states everywhere we operate in order to make a bill that is both fair to the industry as well as-- workable for the industry as well as helps the law enforcement authorities. We've been trying to do that here in Nebraska, and nobody has been willing to [INAUDIBLE] at this point from some of the proponents who were here earlier. We've tried multiple times and we have, I think, submitted through our lobbyist four or five tweaks to the bill that would make it consistent with what we see in other states that would help attack the problem and work collaboration with us because, quite frankly, law enforcement and the people that we want to help, they are not going to be able to do it without our help because we are the sophisticated guys. We will keep the records that they need. If the amendments that we are proposing would be acceptable, the handout you have outlined the five of them--

WAYNE: Thank you for your testimony, sir.

ROBERT ELLIS: [INAUDIBLE] business exemption is the most important.

WAYNE: Thank you for your testimony. Any questions from the committee? Senator Holdcroft.

HOLDCROFT: Thank you, Chairman Wayne. So typically, how do you receive these catalytic converters? Are they suitable to be resold as used parts or are they just for scrap?

ROBERT ELLIS: They're for scrap. And so we already do keep sophisticated records. Our company already under law, we get the name, driver's license, a lot of the information that's already in the bill that we're happy to give to law enforcement or anybody who wants to ask to help us. Right now, we can provide a lot of that information. So we buy them across our scales. We get all of the information

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required by law. We're one of the good guys. Sadoff and Alter
[INAUDIBLE]

HOLDCROFT: So what is your I mean, it just appears in this bill that it's more of a list of things, data that you have to recover. Is that, that the issue?

ROBERT ELLIS: That's part of it. And so the biggest issue, as I said, is literally every other state and every other municipality that we do business in other than the ordinance passed in Omaha last year, has a business-to-business exemption. So the people who are going out and cutting them off the parking lots like was described by the insurance guys and the officer, those aren't the businesses that we deal with, the, the auto repair shops, the body shops, those kind of people who are businesses who bring in sometimes 30, 50 at a time. And so to go through some of these hoops and burdens to have to go through loses that business. A lot of that business, they just don't want to go through the hassle of a lot of this more information in a lot of states. In Lincoln, they have-- you have to go get a separate permit. And it's easy enough now for people to ship them out of the state. You can just ship them out of the state. It would be far better to include that exemption and some of the other language we've talked about for us, the good company, to be able to collect the records and work with the police.

HOLDCROFT: Thank you.

ROBERT ELLIS: Thank you. So we would just ask-- I guess my last request would be we'd ask that it be indefinitely postponed so that we can negotiate the proposed amendments with.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

ROBERT ELLIS: Thank you very much, sir.

WAYNE: Next opponent.

GALEN CROZIER: Good afternoon, everyone. My name is Galen Crozier, G-a-l-e-n C-r-o-z-i-e-r. I work for Alter Metal Recycling and I come to testify in opposition of LB347. Unfortunately, we've seen the same things that everybody else has seen. We actually agree on a lot of the things they're talking about. The thefts are horrible and we'd like to be a partner in fixing this. Unfortunately, in the eight states that we work in, we've seen a lot of these bills come up and they don't do

anything except push the legitimate business underground. So as long as people can stick these in the mail and send them off to another state and get money into their account, this is not going to stop. Even if you have a state like Nebraska, they can send it off to another state that pays through the mail. So what is going to happen and what we've seen happen in Lincoln with their city ordinance is we lost our business by about 80 to 90 percent. And the issue is, is that legitimate business doesn't want to have to do all the documentation to bring that to us. They're not going to have the VIN numbers perhaps. They're not going to want to do all that when they can just give it to a guy in the truck that pulls up and pays them cash and away they go. So, unfortunately, the legitimate business is the only business we want. And that's what this actually decimates. It just pushes it to the underground and makes it easier for them to operate. So we do oppose this. The VIN issue is a concern to have for each catalytic converter because once that's off the car, it's hard to tie that back to it. So I don't know any prosecuting attorney that's really going to stand on that evidence alone. We've issue-- offered an amendment or that has an affidavit so that if they come in and sell us an item and they can prove-- the officers can prove that it's stolen, we can show them the affidavit, the video of the person selling it, and them on camera signing that affidavit. So we'd like to give them something they could actually use to prosecute. So-- and also the business-to-business is extremely important. I don't want to rehash any of the other parts, but I'll take questions if you have them.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

GALEN CROZIER: Thank you.

WAYNE: Next opponent. Welcome.

MICHAEL VAIL: Thank you. Good afternoon. My name is Michael Vail, M-i-c-h-a-e-l V-a-i-l. I'm the vice president of operations for Alter. I oversee Nebraska as well as a bunch of our other facilities. Just real quick, I'd like to address the committee to understand what it takes to sell a catalytic converter legally today. And it's unfortunate to hear that in Omaha that the thefts has increased after the legislation that was approved because Omaha has some of the most stringent requirements for those of us that are buying them legally. So just real quick, in order to sell a catalytic converter today, individual has to go to the police station, get a permit. Not a lot of people want to do that. But in order to do it, you got to go to the

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police, get a permit. You come to us, we have to videotape, take a picture of the transaction with that catalytic converter on the scale. We have to have proof of ID, photo ID to verify who is selling us the, the item. We have to take a picture of the vehicle that is bringing the catalytic converter to us. We do not pay cash. We mail a check to the physical address on the ID that they brought. So for those of us that are doing it legally, which is the majority of us, the legislation that's being presented for LB347 does nothing but make it more difficult. It is impossible to allocate a VIN number to a catalytic converter once it's removed from the vehicle. That would be something that would be absolutely impossible from the scrap recycling side to be able to verify. Our business, since the legislation was enacted in Omaha, has gone down 90 percent. The reason isn't because we were buying stolen catalytic converters previously. It's because nobody wants to go through the hassle of selling it to us. Go on Facebook Marketplace, all day long you can see people buying converters. You can sell them out of state. We're doing it right. We want to be part of the solution. We've provided some amendments, but I just wanted to paint a picture in context what it takes. It is not the Wild West for us legally.

WAYNE: Senator DeBoer.

DeBOER: Thank you for that. That was helpful information. Can you currently receive catalytic converters by mail to buy?

MICHAEL VAIL: We do not. What happens is there were places in New Jersey and in Idaho people would cut a converter off, sell it to a middleman. That middleman would then ship it. They get paid. So if you have, as, as law enforcement said, if you have a guy that comes out, cuts a catalytic converter off, he may go sell it to a middleman for 30, 40 bucks. That guy then sells it out of state, gets his check, and it's done. What happens by that is you no longer--

DeBOER: You can't receive them that way.

MICHAEL VAIL: We don't. No, no, not at all.

DeBOER: Could you?

MICHAEL VAIL: No.

DeBOER: OK. Thank you.

MICHAEL VAIL: Impossible.

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DeBOER: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. That's good information.

MICHAEL VAIL: Thank you for your time.

WAYNE: I appreciate it. Next opponent. Anybody testifying in a neutral capacity? Did he waive? All right. We have six letters for the record: three in support, three in opposition. And that will close the hearing. Senator Cavanaugh waives. That will close the hearing on LB347. It will open the hearing on LB734. Senator Bostar, welcome to the best committee in the Legislature. Let's wait 30 seconds so they can clear out. You guys are going to have to shake hands outside. We got to move. You got to greet each other. Welcome.

BOSTAR: Thank you. Thank you, Chairman Wayne, members of the Judiciary Committee. For the record, my name is Eliot Bostar, E-l-i-o-t B-o-s-t-a-r, representing Legislative District 29, here today to introduce LB734, a bill that would provide a criminal penalty for damage to critical infrastructure facilities that result in serious bodily injury or death. Over the last several years, there's been an alarming surge of attacks against energy infrastructure across the country. According to the Department of Energy, 171 man-made electric disturbance incidents occurred in the United States, a 72 percent increase from 99 incidents in 2021. Recent notable attacks include March 1, 2023, a man was arrested in connection with two power transformer explosions in San Jose in December of 2022. And in January of 2023, law enforcement discovered explosive material in the suspect's house. February 3, 2023, in Baltimore, Maryland, self-proclaimed racially motivated extremists were arrested on conspiracy to destroy an energy facility after they attacked electrical substations. The perpetrators sought to cause a cascading failure, resulting in catastrophic damage to U.S. critical infrastructure. December 25, 2022, Tacoma, Washington, two men attacked three substations and set a fourth on fire. December 3, 2022, Moore County, North Carolina, unidentified suspects used firearms in a targeted attack to damage equipment at two electrical substations. An extremist group claimed the attacks were designed to shut down a drag show. November 2022, in Oregon and Washington, unidentified individuals attacked six electrical substations using firearms and arson to cause widespread power outages. A recent study released by George Washington University documented a dramatic increase in the frequency of extremist plots targeting critical infrastructure,

including energy systems between 2016 and 2022. The report highlighted that extremist propaganda has homed in on energy facilities as valuable targets, encouraging supporters to conduct attacks on energy supply in hopes that it will trigger confrontation in American society, resulting in civil unrest, confusion, and mass disruption. Attacks on critical infrastructure can lead to life threatening results. In North Carolina, after an attack on the power system that led to a massive power outage, authorities are investigating the death of a man at his home that was suffering from a medical condition. LB734 provides for a Class II felony if the intentional destruction of a critical infrastructure facility causing substantial interruption or impairment of public communication, transportation, supply of water, gas or power results in the serious bodily injury or death of another person. Nebraska is not the only state that is considering legislation as a response to these kinds of attacks. Legislators in North Carolina, South Carolina, and Arizona have introduced bills that would require 24-hour security at substations or toughen penalties for damaging them. The surge of these extremist motivated attacks is a threat to Nebraskans. I would encourage you to support LB734. Thank you for your time and attention. I'd be happy to answer any questions you might have.

WAYNE: Any questions from the committee? Seeing none, will you stay for closing?

BOSTAR: Wouldn't miss it.

WAYNE: All right. First proponent. Welcome. I was wondering why you were here today.

SHELLEY SAHLING-ZART: Oh, I missed you over in Natural Resources [INAUDIBLE] Chair Wayne, members of the Judiciary Committee, good afternoon. For the record, my name is Shelley Sahling-Zart, S-h-e-l-l-e-y S-a-h-l-i-n-g-Z-a-r-t. I am vice president and general counsel for Lincoln Electric System. And today I am here testifying in support of LB734 on behalf of Lincoln Electric System, Nebraska Public Power District, Omaha Public Power District, Nebraska Rural Electric Association, League of Nebraska Municipalities, Metropolitan Utilities District, Black Hills Energy, and Northwestern Energy. I dare to say that doesn't happen very often. Senator Bostar outlined what the bill does. I wanted to talk to you a little bit and let you know, first of all, we're well aware of the threats to the grid. We spend, all of the infrastructure, but I can speak for the electric utility infrastructure in particular. We spend a lot of resources and staff

working, looking at these, these threats that are out there and doing what we can to mitigate those threats, eliminate those threats, and most of all respond to them if they happen. The one difficulty we have is that it's really difficult to identify and apprehend the perpetrators of these attacks. Why is that? Well, there's over 70,000, over 77,000 substations across the nation. We've got well over a thousand in Nebraska alone. A lot of those are located in rural kind of remote areas. So they can-- they can disable cameras, they can disable alarms, they can do a lot of damage before we ever get on site to find out who it is. So that makes it really hard to find out who they are. Now, to the extent that we can't apprehend them, yeah, we would like to see folks, folks punished and that's what this bill does, particularly if it results in power outages that cause loss of life or serious bodily injury. There's a lot of things that go on, not just within Nebraska, but there's coordinated efforts across the country. And I'm about to run out of time. But we-- my CEO at LES is the co-chair of the Electricity Subsector Coordinating Council, which is led by CEOs both public and private. And they're working with the White House and the FBI and the Department of Homeland Security and the National Electric Reliability Corporation. And they're looking at these threats all the time and coming up with strategies to try to address them, both physical security threats and cyber. Let's be clear. Both of those are a huge concern. We're seeing an increase in them as Senator Bostar indicated. That's alarming. And they're occurring for a variety of reasons. They range from just the vandalism, you know, the kids that are shooting the insulators at the top of the pole, like maybe some of you did as kids, to very sophisticated, coordinated attacks. Those are the ones that are of really great concern. And you might see similar types of attacks across the country that seem very similar. So, you know, one is--

WAYNE: Thank you [INAUDIBLE]

SHELLEY SAHLING-ZART: --I want to put you all at ease that we're doing a lot to address it, but this bill would help.

WAYNE: Thank you for your testimony.

SHELLEY SAHLING-ZART: Yep.

WAYNE: Any questions from the committee? Senator Blood.

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BLOOD: Thank you, Chair. Just a quick question. So do you remember my, my domestic terrorism bill from four years ago because I think you came to that?

SHELLEY SAHLING-ZART: Yes.

BLOOD: What's different from this bill than that bill?

SHELLEY SAHLING-ZART: I'd have to go back and look at it, Senator Blood. I don't remember the details. I remember you having the bill.

BLOOD: [INAUDIBLE] protecting our infrastructure. And at the time I was told there is no problem. So I think it's interesting that all of a sudden there's a problem.

SHELLEY SAHLING-ZART: And I would tell you four years ago we probably weren't seeing the kind of sophisticated attacks we're starting to see today. That could be something different.

BLOOD: And that people don't understand how fast technology moves, maybe.

SHELLEY SAHLING-ZART: Yeah.

BLOOD: All right. Thank you.

WAYNE: Any other questions? Seeing none, thank you for being here.

SHELLEY SAHLING-ZART: Yeah.

WAYNE: Next proponent.

ELIZABETH ELLIOTT: Good afternoon, Chairman Wayne and members of the Judiciary Committee. I'm Elizabeth Elliott, E-l-i-z E-l-l-i-o-t-t, director of Lincoln Transportation and Utilities. I'm here to testify in support of LB734. Water, wastewater, and traffic signal networks are an attractive target for cyberattackers. A cyberattack could threaten the lives and safety of every individual in our communities. We've seen multiple times across the country the malicious actors attacking water systems and altering the treatment or management of our drinking water. Thankfully, the attackers have been caught early and if it was not immediately detected, it could have had severe impacts on the communities, environmental, fire protection, and public health. Researchers across the world have researched and shown how traffic signal control systems are vulnerable to attacks. Simply

attacking the traffic signals and changing lights to all green at a busy intersection at 5 p.m. on a Monday could have potentially catastrophic results. At Lincoln Transportation and Utilities, we are taking steps to protect our infrastructure. However, it is impossible to prevent all attacks or risks. This bill helps fill the gaps where technology and security measures can't reach and provides an added layer of protection for our community. Therefore, we are asking for your support of LB734. Thank you again for the opportunity to provide testimony. I'd be happy to answer any questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

ELIZABETH ELLIOTT: Thank you.

WAYNE: Next proponent. First opponent. Come on up, Spike.

SPIKE EICKHOLT: Good afternoon, members of the committee. My name is Spike Eickholt, S-p-i-k-e, last name is spelled E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in opposition to the bill. Our association is made up of about 370 attorneys who practice criminal defense. And we try to oppose laws that add what we would consider unnecessary overlapping criminal sanctions and criminal penalties to our criminal code. To respond to the last testifier, this bill amends a criminal mischief statute which provides for a punishment if someone damages property of another intentionally or knowingly or recklessly. I don't even think these examples of cyberthreat even would be impacted by this bill. So I would just ask the committee to sort of consider that. But in regards to what the introducer explained why he did this bill, the scenario I think he's trying to describe and I don't think anyone's talked about this even being a situation in Nebraska, are the situations that were happening around the country where someone would shoot up a power substation or blow it up or something like that and cause disruption. That is criminal mischief under current law. But it's also another-- a number of other violations in Nebraska criminal law that don't necessarily have that title "substation" or anything like that referenced. You know from yesterday's hearing, if you cause an intent-- if you do an-- if you commit a wrongful illegal act, intentionally or otherwise, that results in death, that is manslaughter. We have a number of penalties that are actually pretty onerous. For a discharge of a firearm or explosive device from or near an occupied vehicle into any structure, whether you hit anything or cause any damage, is a 1C felony, which is a mandatory minimum of 5 to

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50 years imprisonment. Discharge of a firearm at any occupied building, a class 1D felony. Possessing a firearm or an explosive device while committing a felony, including criminal mischief, is a separate felony. Use of a firearm or explosive device to commit any felony, like criminal mischief, is a mandatory minimum felony and is mandatorily consecutive. And depending on the circumstances, any intentional act that would result in serious bodily injury to another person is a Class II felony. So there are other crimes that already exist in Nebraska law. This would add what we consider as unnecessary-- an unnecessary enhancement to the criminal mischief statute. You don't necessarily need to have an example of a crime in the body of a crime to actually have it criminalized. And we would urge the committee not to advance the bill.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent, next opponent. Anybody here testifying in a neutral capacity? As Senator Bostar comes up, we have four letters of-- four letters in support.

BOSTAR: Thank you, Chairman Wayne, members of the Judiciary Committee. I thank you for your attention. Just respond to a couple of things. Either the criminal mischief statutes are insufficient for dealing with what we're talking about here today, which is terrorism. Senator Blood, you're right. This is terrorism. And some of the other statutes that were highlighted involved intent to kill people. This provision would not require that. It would require intent to disrupt or disable or destroy critical infrastructure services, but not necessarily the intent to kill. However, if it did, it would fall under this proposed statute. So, you know, I personally don't think it's unnecessary. I think that this serves an important purpose, especially in light of what we're seeing happen. And you heard a little about that. With that, I won't take any more of your time because I know you've got some bills ahead of you, and I'd be happy to answer any final questions you have.

WAYNE: Any questions from the committee? Senator DeKay.

DeKAY: Thank you. When it comes to destroying infrastructure like a shooting or blowing up a substation, you have of cost of, approximate cost of one transformer and knows what that would cost in the time and maybe one of the other testifiers can relay that information coming forward because the time allotment and the cost is significant, let alone the costs of possible loss of human life so.

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BOSTAR: Yes. And so I don't have the exact costs of a lot of that, but I can certainly get it. I will say that for this legislation, you know, unlike some of the other criminal mischief statutes, this isn't a cost-based bill, right? This, under this legislation, someone would have had to have suffered serious bodily injury or have, have died. And so that would be the deciding whether or not it met the threshold outlined under LB734. But I can get you that information.

DeKAY: Thank you.

WAYNE: Thank you. Any other? Seeing none, thank you for being here and that will close the hearing--

BOSTAR: Thank you.

WAYNE: --on LB734.

_____ : Senator, [INAUDIBLE] LB441?

WAYNE: Yep, LB441.

_____ : We'll have to make an announcement or two, sir, if I could get a minute or two.

GEIST: Good afternoon. We're going to go ahead and get started.

ALBRECHT: Well, thank you very much.

GEIST: I'm your vice vice chair.

ALBRECHT: Much appreciated. Thank you. Well, good afternoon, Vice Chair Geist and members of the Judiciary Committee. For the record, my name is Joni Albrecht, J-o-n-i, Albrecht, A-l-b-r-e-c-h-t, and I represent Legislative District 17 in northeast Nebraska, which includes Wayne, Thurston, Dakota and a portion of Dixon Counties. LB441 is a simple bill. It closes a loophole in the Nebraska law. Currently, it is against the law for anyone in Nebraska to present materials to children considered obscene or harmful, except in schools and libraries. In Nebraska's elementary schools through high school in libraries, it currently is lawful to present criminal obscenity to any age school children. It makes no sense that schools and libraries of all places should be given a pass to expose children to material the law already would recognize as criminally obscene to children. In 2021, we created legislation with LB1040 and LB881 to protect children from being groomed by an adult. This bill simply continues to close

the loophole to include any adult in a K-12 or library setting who seeks to groom a child through the use of obscenity. LB441 says the same obscenity standard applies to everyone in Nebraska. No exceptions. LB441 does not change a thing about the definition of obscenity as applied under the Nebraska law; whatever would have been considered obscene or harmful to children previously or not obscene remains the same. The Nebraska statute that describes, without using the word obscene, what sexually explicit materials are harmful to minors and currently cannot be presented to children is Nebraska Statute 28-808-- I've passed out several of those so you don't have to even go look it up. It's just right there at your fingertips-- and Section 28-807, which defines harmful to minors. These Nebraska laws have not changed in 44 years, since 1977. LB441 simply closes the loophole. No one is allowed to show material to the state--material the state would define as obscene to minors. Thank you for listening and I respectfully ask, obviously next year, to advance this to the floor of the Legislature. So thank you.

GEIST: Oh, it's me again. I'm sorry. I'm not used to running this committee. Thank you for your testimony. Are there any questions on the committee? Yes, Senator Blood.

BLOOD: Thank you, Senator Geist. Senator Albrecht's, just a quick question. I'm confused reading this because it already said before you added the word postsecondary, it said recognize educational institutions. Correct?

ALBRECHT: Um-hum.

BLOOD: Well, isn't a postsecondary school a recognized educational institution?

ALBRECHT: Which would be anything after high school. So that when you read through the other state statutes, it shows it's K-12 that we're talking about in this bill.

BLOOD: So you're trying to say-- sorry. The door keeps opening and closing so it's hard to hear you. You're trying to say anything after high school?

ALBRECHT: No. Anything after high school, you're an adult. Anything before high school-- before college, you're not. So in K-12.

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BLOOD: I, I don't think we're communicating here. So the question that I have is that the change in your bill, you add the word postsecondary to a sentence that already says recognized educational institutions.

ALBRECHT: Um-hum.

BLOOD: Is not postsecondary education a recognized educational institution?

ALBRECHT: It certainly could be.

BLOOD: Pardon?

ALBRECHT: It certainly could be, yes.

BLOOD: So why are we adding the word in when it's already identified?

ALBRECHT: Because they are adults. They, they have the right to look at whatever they want to.

BLOOD: I'm sorry. I'm having trouble hearing you. I apologize.

ALBRECHT: It's all right.

BLOOD: Can you please repeat that?

ALBRECHT: We've, we've recognized postsecondary because they are, they are of the age to be able to look at whatever they choose to; K-12, they are not.

BLOOD: So again, my concern--

ALBRECHT: Um-hum.

BLOOD: --and I'm, I'm not sure I'm getting the answer, is you're adding in a word that isn't necessarily needed if it already says recognized educational institution.

ALBRECHT: OK. We have-- those behind me, some that will be able to testify that they've come before the courts and having to have this put in here is-- it's serving as what is the loophole to being able to, to have everybody look at whatever they want, no matter what the age.

BLOOD: They're, they're not recognizing postsecondary education as an educational institution?

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ALBRECHT: I don't know. I don't know. I'll, I'll let you--

BLOOD: All right.

ALBRECHT: --see if you couldn't do it and then I, I will look at these statute, because the statutes are the ones that actually identify why we have to do that.

BLOOD: Thank you.

ALBRECHT: OK?

DeBOER: Thank you, Senator Blood. Are there other questions for Senator Albrecht? I don't see any. Are you going to stay around for closing?

ALBRECHT: Yes, I will.

DeBOER: All right. Thank you very much. Let's have our first proponent, please. Welcome.

MATTHEW HEFFRON: Thank you. Senator DeBoer and members of the committee, my name is Matt Heffron. I'm an attorney in Omaha, Nebraska, with the Thomas More Society and I'm testifying on behalf of LB441. My name is spelled H-e-f-f-r-o-n, first name Matthew, M-a-t-t-h-e-w. Senator Albrecht-- and I couldn't hear real well what, what the questions were here, but Senator Albrecht was addressing the fact that this is a very simple bill, I believe and that it is-- simply closes a loophole. And that is the exceptions listed in 28-815. One of the handouts I give you explains the law. And it's not simple, the interplay of the various laws is not simple, but the, but the reason for this particular amendment to it is, is very simple and that is simply, when this law was created back in the 1970s, there was an exception made for and it was intended in the legislative history, it showed that it was intended for graduate schools and colleges not to be subject to the exception. And that's what 815: is an exception. You can't get prosecuted if you are-- and it lists the words educational institution. It should have said, and it should have said that only those that are postsecondary, after high school, are excepted from, from this. And how do we know that it was-- that it is a loophole? If you look at the legislative history-- in one of the handouts I gave you is that legislative history. It says-- a number of senators actually said this is to protect children from obscenity. And in fact, in the last-- the first time we testified on this bill, one of those senators actually came and that was Senator Pat Venditte who was a

teacher himself. And in fact, he was somebody who taught me. That's how long ago it was. And he said, no, this was, this was not-- specifically, was not to allow obscenity into the high schools. And that's all we're trying to correct here. Now, I'm going to jump to the, the other memo that I gave you and that is the one on obscenity and it's not-- this bill doesn't address obscenity. Obscenity has been in the law for a-- well, since the 1970s. And the obscenity standard that you see there, it was first addressed by the Supreme Court in *Miller v. California*. It's the one that lawyers are familiar with and that is the one that says, based on contemporary community standards, something that is patently offensive and appeals to prurient, that is debased sexual desires-- and has no, this is important, has no scientific, literary, artistic or political value. That is what we're keeping from children. And it's a serious, it's a serious matter. Any one that comes up after this and says, what about nudity? What about that? This is what I'd like you to ask them. This is the question I'd like to ask. Why is it that you, whether it be in a library or a school, think that you need to send-- you need to provide to children--

DeBOER: Sir. I'm sorry. Your red light is on and today because of the--

MATTHEW HEFFRON: Sure. I know you're busy. Can I just finish the sentence?

DeBOER: Please.

MATTHEW HEFFRON: Yeah. Why is it that you want to provide to children something that has no literary, artistic, political, scientific value appealed primarily to prurient interests only? Why would-- and is patently offensive? Why do you think you need to do that? And then I would point out one last thing and that is 28-816, 820 that if a teacher thinks they need to present this, they can actually go to the court. It's an ingenious provision of our law. They can go to the court and ask for--

DeBOER: OK.

MATTHEW HEFFRON: --a declaratory--

DeBOER: Let's see if there's any questions.

MATTHEW HEFFRON: All right.

DeBOER: One second. Are there any questions for this testifier? I don't see any. Thank you. We'll have our next proponent. Welcome.

SUE GREENWALD: Thank you. Hello, Senators. My name is Sue Greenwald. S-u-e G-r-e-e-n-w-a-l-d. In the 1960s, when this exemption hole was written into the obscenity laws, it was meant to apply to college students. No one back then could imagine that it would one day apply to six year olds. I'm a doctor who has treated rape victims, children, a lot of them, the youngest being a three-month-old infant. This is not a game to me. I hope it's not a game to you. Your actions have real world consequences for a lot of people. I heard the debate this morning where a senator said they don't want to fight the culture war and kids should be left out of it. This is a response to those senators: we could not agree with you more. We are here because you did not leave kids out of it. You pushed critical theory, queer theory, trans grooming and school porn into every school in every corner of this state and you refuse to leave the kids alone, so this culture war was brought by you. You have refused to consider school choice, parental opt out, transparency or what many people consider common decency, so this was brought by you. None of us care what you do at Urban Abbey. We do care what you do in the schools that our children are forced to attend. Senator Blood said, why can't you be reasonable, right after you all called us haters. We respect your right to raise your children as you see fit outside of the public schools, but that isn't enough. You are determined to raise our kids as you see fit. We have the right to oppose having our kids sexualized by adults who do not share our values. As you listen to some of the passages you will hear, they-- all of these are found in Nebraska schools. Some of them have accelerated reader points or are in the curriculum. I want you to imagine that the teenager next door is reading it right before he comes to babysit your young children or that your daughter's date is reading it right before he picks up your daughter. These are real kids reading these books that lead to real consequences and everything you hear is from our schools. If you find it uncomfortable, if you're attempted to stop the reader or turn off the live stream, then you are admitting that this is obscene material. If it's not fit for the public, why is it fit for our students? Ask yourself if you would want your own children or grandchildren exposed to highly sexual material in school and ask yourself who should be having these types of discussions with your children? If you think it's a teacher or a librarian, ask yourself how many other parents would agree with you. Thank you very much for listening.

WAYNE: Any questions? Senator Blood.

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BLOOD: I'm sorry. Did you say my name?

WAYNE: Senator Blood.

BLOOD: I'm sorry. I didn't hear you. I just have a quick question. Knowing that this is already illegal, why do you believe that this one sentence change is going to change anything?

SUE GREENWALD: Because the loophole in the law, which was intended to-- back in the 1960s when these laws were written and put into 43 states, the loophole was intended to keep colleges from being prosecuted based on teaching of things like anatomy and physiology, anthropology. That was the argument that was made back then to have this loophole for education. The loophole for education has been abused and been-- and has been applied to kids down as young as kindergarten, even though that was never the intent. And what we're trying to do right now is go back to the original intent of the law, which is to protect children from, from obscenity. When they wrote these laws-- obscenity-- they didn't even consider that it would be used for children. It wasn't-- they didn't put it in the law specifically for adults because it wasn't considered a possibility.

BLOOD: So, so, ma'am, do you know the words-- they're changing educational institution to postsecondary. In the terminology, educational institution starts at early childhood, goes to primary, secondary, further higher education, applies to charter schools, state schools, private schools, alternative schools, online schools. So changing that one word, how does it do all this?

SUE GREENWALD: postsecondary puts it back-- the, the laws back into covering-- the exemption back, I should say, into covering postsecondary, post-high school as it was originally intended.

BLOOD: Thank you.

WAYNE: Other questions from the committee? Seeing none, thank you for being here. Next proponent. Next proponent, proponent.

ANGIE EBERSPACHER: Good afternoon. My name is Angie Eberspacher, A-n-g-i-e E-b-e-r-s-p-a-c-h-e-r, and I'm here today in support of LB441. The question is, how do these books get into our school libraries? Most of these books have been-- have appeared on the New York Times bestseller list or have been recommended by the American Library Association. But let's look at the American Library Association. Do you know who funds the Library Association? The Open

Society Foundation, funded by George Soros. I provided you the information in your out-- in your handout. Further, in April 2022, the ALA elected City University of New York's Graduate Center librarian, self-identified Marxist lesbian, Emily Drabinski as its president for the 2023-24 term. Celebrating her election, Drabinski tweeted on April 13, I just cannot believe that a Marxist lesbian who believes that collective power is possible to build and can be wielded for a better world, is the president-elect of the American Library Association. I am so excited for what we will do together. Solidarity, Drabinski wrote once-- wrote the following on her website: the consequences of decades of unchecked climate change, class war, white supremacy and imperialism have led us here. If we want a world that includes public goods like the library, we must organize our collective power and wield it. The American Library Association offers us a set of tools that can harness our energies and build those capacities. So a Marxist controls the American Library Association. Let that sink in. Today, I'm going to talk to you about a library book found-- that I found in 16 different libraries across Nebraska. And five of these, these schools use this book as an accelerated reader, meaning they quiz the students for points after they've read it. The book is called Lucky by Alice Sebold. I'm going to read you some passages directly from this book that's available to minors in our schools: I did. My focus became acute. I started-- I stared harder than ever at him. He began to knead his fist against the opening of my vagina, inserted his fingers into it, three or four at a time. Something tore. I began to bleed there. I was wet now. I am excited. I made him excited. He was intrigued and he worked his whole fist up into my vagina and pumped it. I went into-- it went into my brain. Stop staring at me, he said. I'm sorry, I said. You're strong. I tried. I liked this. He started humping me again wildly. The base of my spine was crushed into the ground. Glass cut my back and behind. He kneeled back. Raise your legs, he said. Spread them. Give me a blow job, he said. He was standing now. I was ground-- on the ground trying to search among the filth of my clothes. He kicked me and I crawled into a ball. I want a blow job. He held his d*** in his hand. I don't know how, I said. What do you mean, you don't know how? I've never done it before, I said. I'm a virgin. Put it in your mouth. I kneeled before him.

WAYNE: Thank you for your testimony. Any questions from the committee? Seeing none, thank you for being here. Next proponent.

PATRICK PETERSON: Good afternoon, senators. Patrick Peterson, P-a-t-r-i-c-k P-e-t-e-r-s-o-n. I'm here today to advocate for removing school libraries and public libraries from the exemption for

obscenity. Decades ago, the exemption was fitting since the Legislature wanted to protect the use of illustrations and literature for the purpose of explaining biological functions and processes, but this is not the case anymore. Today, we have organizations like the American Library Association openly promoting books to school and public libraries that contain child on child sexual abuse, which is almost never described as abuse in the book, only happenings, detailed incest, rape and erotica that's beyond explicit. A young human mind is ultimately impressionable and literary porn is an extremely harmful visual. PBS.org cites the book, *The Bluest Eye*, as sexually explicit material, lots of graphic descriptions and lots of disturbing language and an underlying socialist communist agenda. What I'm about to read is from *The Bluest Eye*, which is in schools all across this state. This is a scene where a father is raping his young daughter. He put his head down and nibbled at the back of her leg. His mouth trembled at the firm sweetness of the flesh. He closed his eyes, letting his fingers dig into her waist. The rigid-- rigidness of her shocked body, the silence of her stunned throat. A bolt of desire ran down his genitals, giving it length and softening the lips of his anus. Surrounding all of this lust was a border of politeness. He wanted to f*** her tenderly, but the tenderness would not hold. The tightness of her vagina was more than he could bear. His soul seemed to slip down to his guts and fly into-- fly out into her and the gigantic thrust he made into her then provoked the only sound she made-- a hollow suck of air in the back of her throat. Removing himself from her was so painful to him. You can read the rest of it for yourself if you like. It goes on for a few more paragraphs, just the same. Ask yourselves, is this really what you want made available to your children or grandchildren to read? This is serious. This is reality. This is what's actually happening in libraries. The opposition will say that any possible positive aspects to these books cancels the damaging depraved parts. But is this what people do with X-rated movies? Do they show explicit scenes just because the character was generous or kind earlier in the movie? No. Such material is kept from the minds and hearts of young people with laws and warnings because we recognize its damaging effects on young minds. The Legislature can no longer ignore this issue. Please do what common sense and moral aptitude require and pass LB441.

WAYNE: Senator DeKay.

DeKAY: One quick question. How early of an age is this available to kids in grade school, junior high, high school or what age does this become available to pick up and read?

PATRICK PETERSON: I'm happy to provide the information in which libraries we found this in throughout the state and at what levels those are to you, Senator. I can give you that information.

DeKAY: Thank you.

PATRICK PETERSON: Certainly.

WAYNE: Any other questions? Seeing none, thank you for being here. Next proponent.

DENISE BRADSHAW: Good afternoon. My name is Denise Bradshaw, D-e-n-i-s-e B-r-a-d-s-h-a-w. The document that's being provided to you was found in OPS middle schools Monroe and Marrs. This is a passage from a book. It's called The Court of Silver-- Silver Flames. He licked her again, lingering at the spot atop the apex of her legs, sucking it into his mouth, teeth nipping, before he withdrew. She arched, unable to stop the moan brinking from her throat. Cassian's tongue ran down-- downward in an unhurried sweep and he pressed a hand to her abdomen, stilling her, as he slid his tongue straight into her core. It curled into her, driving deeper than she expected and she couldn't think, couldn't do anything but luxuriate in it. You taset, he growled against her, making his way up again toward the bundle of nerves in short, teasing licks and flicked again his tongue. Release became a shimmering veil just beyond her grasp to drift-- but drifting closer. So wet, he breathed, and licked at her entrance, as if determined to consume every drop of her. Are you always this wet? She wouldn't allow him the satisfaction of the truth, but she couldn't think of a lie, not with his tongue pumping in and out of her, coaxing her toward, but still denying her the pressure and relentless pounding she so badly needed. Cassian snickered as if he knew the answer anyway. He licked her, his silken hair brushing over her belly and looked up to meet her gaze. As their eyes locked, he slid a finger into her. She cried out and he trailed the hand from her thigh to hold her open again as he licked at that spot while his finger pumped in and out of her in a teasingly slow rhythm. More. She wanted more. She undulated her hips against him, hard enough to drive his finger deeper. Greedy, he murmured into her and withdrew his finger nearly to its tip, only to add a second finger as he plunged back in. Nesta let go entirely then, let go of sanity and any pride. As he filled her with those two fingers, he sucked and nibbled and release gathered around her at like an iridescent mist, Cassian growled again and even over to-- gave over to whatever need drove him and the reverberations of the echo sounded into places of her that had never been touched. In

and out of his fingers slid, stretching and filling, all while he tasted and savored. I'm at the yellow light. And to answer your question, Senator, this is available to 12 year olds in two OPS schools. This is young-- targeted young adults. Young adults start at the age of 12. And again, this book that you all have this passage from, is available in OPS schools-- middle schools Monroe and Marrs. I think I'm done. Is there any questions? This is not literature. This is porn. I am here to speak for LB441.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

DENISE BRADSHAW: Thank you.

WAYNE: Next proponent.

MARILYN ASHER: Hello. My name is Marilyn Asher, M-a-r-i-l-y-n A-s-h-e-r. There is a definite need to insert the words postsecondary into section 28-815 of the existing law regarding obscenity. It will help protect the innocence of children in our state. There is no place for the content I have seen in K-12 school libraries or public libraries, for that matter. For almost three years, I have researched the availability of obscenity and pornography in the public and private school libraries across Nebraska. My focus has been on databases and websites that gives K-12 students access to still photos and videos that are considered obscene in statutes 28-807 through 28-815 of Nebraska law. I researched over 200 schools from Scottsbluff to Omaha and collected over 1,000 screenshots of pathways to obscene photos and videos, as well as screenshots of the obscenity itself. When I opened the home page of each school, I went to the library or media center to find research databases. Each school was different, but almost all of them had Nebraska Access, which is provided at taxpayer expense to the-- by the Nebraska Library Commission. Nebraska Access opened the door for me to examine databases that were provided by EBSCO, Gale and ProQuest. This past year, Nebraska Access made efforts to separate the information that adult Nebraskans could obtain from what through-- K-12 students could access. But in spite of these efforts, it is still possible for children to access obscene materials through Nebraska Access. Unfortunately, all students have access to obscenity in the name of education. It is by using the passwords that-- of the K-12 school, school library websites, I have been able to access lewd pornhub websites that contain magazine articles with live links to what is advertised as live videos and obscene materials through the databases that are provided by Nebraska Access. Equally

shocking were the porn, porn videos and still shots that I found with no password in Symbaloo, which is another search engine available to students in Sherman, Indian Hill and Crestridge Elementary Schools of OPS and Plattsmouth Elementary School. Symbaloo contains a search bar and an icon that says Safe Search Kids. I saw some of the most offensive obscenity I've ever seen while using this website, seeing actors posing as priests and nuns having group sex. As I looked at the zip codes of the three OPS schools, I realized that at least two of them educate minority or dual-language students. When I mentioned this to the Nebraska Library Commission and some IT experts last year, they expressed the possibility that what I found was a result of not having filters on my home laptop. So I went to the Omaha Public Library and I used one of the teen computers to find if the information came up when I typed in the same terms into one of the OPS libraries that contained Symbaloo. It did. Senators, if I can find this material online in the school libraries, think of what a 12-year-old child can find.

WAYNE: Thank you for your testimony.

MARILYN ASHER: Please, please vote for LB441.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next proponent. Welcome.

MARNI HODGEN: Thank you. Good afternoon, Judiciary Committee. My name is Marni Hodgen, former candidate for State Board of Education and a concerned parent. Marni, M-a-r-n-i, Hodgen, H-o-d-g-e-n. Sexually explicit, graphic and obscene materials are harmful to minors and are equally harmful to adults. Pornography is addictive and often results in lifelong unhealthy views of intimacy and broken marriages. Parents have been bringing sexually explicit books to the attention of local school boards and the Nebraska State Board of Education. One of these books, Me, Earl and the Dying Girl, has been found in the following Omaha Public High Schools: Benson, Bryan, Buena Vista, Burke, Omaha Central, Omaha North and Northwest and a copy was found at Papillion La Vista South. The following middle schools also have it: Bryan, Morton, Magnet and Norris. As I read, I want you to be thinking about the sixth graders, especially. Eleven and twelve year olds can check this out. If you're a person with any decency and sense of what is appropriate, what I'm about to read ought to make you cringe. Yeah, Earl, I'm going to eat her p****. Do you even know how to eat p****? Uh, not really. Papa Gaines never sat you down, said, son, one day you're going to have to eat a p****? No, but he did teach me how to eat a butthole. God bless that man. Yup. I would teach you

p****-eating technique, but it's a little complicated. Son, I don't have time for that. I got like 20 p*****s over here that I need to eat. Is that right? I'm on p**** deadline. You've got 20 vaginas all lined up in a row. Aww, what the hell? What the hell? No one's talking about vaginas. Greg, what the hell is wrong with you? Man, that's nasty. I'm talking about p****. I got a little honey mustard over here, a little Heinz 57 and a whole lot of p****. Another page: that was the sexiest pillow. I just wanted to make love to it all night until the dark break of dawn. I used to call that pillow the dirtiest names. I used to say, you slutty pillow. You're such a dirty slut. Stop toying with my emotions. Then one day, I came home from school and caught that pillow having oral sex with this table from across the street. And on page 206: so you can be heterosexual or homosexual and I feel like I understand that. You're like a man in a, in a woman's body or some s***, but I've been thinking about it and how the f*** can somebody call themselves a bisexual? Man, ain't nobody like that fine a** girl is making me hard right now. Oh, wait, my mistake. That dude over there is the one that's making me hard. That don't make no godd*** sense. They also have other inappropriate phrases. They talk about ponce, which is British slang for child molester. And also in the book, it says, I'm going to make out with my sister and I love making out with my nasty a** brother. What an enlightening, uplifting educational work of literature. It makes complete sense that a book like this should be in a school library. Is this something you would be OK with your children or grandchildren reading? What about your 15-year-old daughter's boyfriend who read this book before coming to pick her up on a date? Words and imagery are powerful, but the wrong kinds of words will devalue, demean and destroy.

WAYNE: Thank you for your testimony.

MARNI HODGEN: Thank you.

WAYNE: Any questions from the committee?

IBACH: I have one.

WAYNE: Yes.

IBACH: Thank you. Thank you, Mr. Chairman. Thank you for your testimony. Are there ever any statistics available as to how often these books are (a) checked out or (b) actually read in the library?

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MARNI HODGEN: That's a good question and I don't know the answer. I would imagine we would have to work with libraries and find out how many times-- you know, I'm sure they have a catalog system, but that's something that I just haven't thought to look into yet.

IBACH: OK. Thank you.

MARNI HODGEN: So thank you.

WAYNE: Welcome.

SCOTT BUSH: Senators. My name is Scott Bush [PHONETIC]. I represent myself and any other concerned parent that has looked at any of these books. The book I looked at was called Jack of Hearts and Other Parts. This book is available in four OPS schools.

WAYNE: You can't really-- you can read it to us, but--

SCOTT BUSH: OK.

WAYNE: --if you show it to us it's considered a prop and I don't, I don't allow props.

SCOTT BUSH: All right, sir. This is available in four OPS schools. This is also available in Lincoln public libraries and Omaha public libraries. There is currently no system for verifying the age of a child that is checking out material at the public libraries. They feel that's not their job. They feel it is the parent's responsibility to know what their child is taking, but the parent is not required to be there when the child checks out the material. So there is no checks and balances. This book could end up in the hands of a child of any age. I'd like to read you a couple excerpts here. I wonder how he does it. Who? Jack. How he gets all that D. A fourgy in Hannah Ling's hot tub. It's like his life's a porno. Is it like that for all gay guys? Like when he got f***ed by the coach from Highbrook in the locker room during the homecoming game. Home wasn't the only thing that was coming. That is pedophilia. That is grooming children to be desensitized for sexual advances from adults. I have a 16-year-old son that goes to Millard Public Schools. If he brought this book home, I would be appalled. Next one. Oh, man, I wish I was a gay boy. I could f*** that a** off of his. We could all go have orgies all the time. OK. Next one. Ben is one of my closest friends and I'm not his type. He likes bears, big hairy guys, usually older. I'm definitely not that particular gay subsect of wildlife. Ben isn't a big slut like me. For one, there aren't many large, hairy men willing to have sex with

teenage high schoolers and though I pass for barely legal, Ben's round baby face makes him look like serious jailbait. This is disgusting. This is rated for 14 year olds and up. This is what people think 14 year olds should be reading? The only thing that I can say is I'm glad that this book is mainly found in the OPS libraries, because we already know half of those kids can't read. So they're probably not checking it out, but maybe the ones that can will and I want to save those kids. So, here's another one. My first time getting it in the butt was kind of weird. I was a freshman and it was winter break right before everyone left for vacation, a big holiday blowout party. There was a senior from another school and we were drinking and flirting and eventually we took off together. His parents were home and my mom was home, so he got us a hotel room nearby, ordered up champagne to be fancy. Now before this, I'd sucked my share of d***s and gotten plenty of blow jobs, hand jobs--

WAYNE: Thank you for your testimony, sir.

SCOTT BUSH: Thank you for your time.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next proponent. Next proponent.

KATHY NELSON: Good afternoon. My name is Kathy Nelson, K-a-t-h-y N-e-l-s-o-n. I am a proponent for LB441. And I just want to share with you that I'm appealing to you lawmakers today, not through personal feelings, opinions or ideas, but through the law itself. The first gentleman that spoke already referred to this, the 1973 Miller v. California decision. The Supreme Court established a three-part test for identifying obscenity, defining it as (1) material that appeals to the prurient interest; (2) material that portrays sexual conduct in a patently offensive way; and (3) material that does not have serious literary, artistic, political or scientific value. In this sense, obscenity refers to a narrow category of pornography that violates contemporary standard-- contemporary community standards. This book violates my standards and I am certainly a member of our Nebraska community. Please listen to a few excerpts of What Girls Are Made Of and determine for yourselves and those you represent if these sentences violate your community standards. Our children deserve better reading than this. Excuse me. Sorry. What Girls Are Made Of is a National Book Award finalist. The publisher wrote it-- the publisher described it as for 8th grade through 12th grade. Here are some excerpts. Page 34: Seth thrust forward onto the bed and between my legs and against thin-- and against the thin barrier that separates

us. The hard nose of my teddy bear pokes against my back and I twist to reach it and grab it by the arm or leg and toss it to the ground. My thong gets twisted as Seth takes it off and I hear it rip when he grows impatient and yanks it too hard. I shouldn't care but I do, because the thong is brand new and it matches the bra and the lace can't be sewn back together. But I don't say anything. And then Seth rises above me like a wave and smiles and I smile back and he pushes into me, hard and fast, and it hurts and feels good all mixed together. Page 35: Soft now, his penis shrinks inside me and then slips out. When I get up to go to the bathroom, a runny path of semen like egg whites trails down my leg. I am horrified. It feels like I just peed myself and I don't know what I expected. I guess I thought it would just sort of absorb inside me. Or really, I guess I never thought about what would happen at all. The other times when we didn't use a condom, Seth would pull out and come on my stomach or those two times on my back and then he'd use his T-shirt or sock to wipe me off. But this time, as I walked to the bathroom connected to my room, the sticky wetness drips down my thigh, a couple of drops-- did I already go red?

WAYNE: Yeah. 3:07.

KATHY NELSON: Oh, sorry.

WAYNE: No. Yeah. It's always-- we have [INAUDIBLE.] Any other questions from the committee?

KATHY NELSON: This is in the Gretna High School.

WAYNE: Thank you.

KATHY NELSON: Thank you.

WAYNE: Next proponent. Welcome back.

ALLIE FRENCH: Thank you. Allie French, A-l-l-i-e F-r-e-n-c-h. I'm representing Nebraskans against Government Overreach. We are absolutely in support of LB441. Honestly, I've, I've kind of completely lost my train of thought. I am so, kind of, freaked out and grossed-- I'm actually leaving the room as soon as I'm done with this because I can't sit here and listen to this. And the fact that there's not one, but dozens of books in our schools right now, today, that say things like that is atrocious. And to make any excuse to not push this legislation through under the guise of, well, we don't need to nitpick verbiage is going to be atrocious. This is wrong. These are already in

the schools and we need the change in LB40-- LB441 to ensure that there is no longer a loophole, an exemption, for these schools and public libraries. Kids have access to them. They don't go and make sure that the kid is of appropriate age. They aren't going to call and check with parents. Kids are quizzed on these books when they check them out or if it's assigned in class and they may tout that it's got, you know, a couple chapters in there that, that push the point of the lesson. But they have to go through all the rest of it. This is awful, awful, awful. Please pass LB441. Children should not be subjected to obscenity in the name of our First Amendment rights. Children don't have First Amendment rights in schools. That's why they have supervisors and teachers to guide them. And they should have better common sense than to allow this type of material in front of a student, ever. That's all I have.

WAYNE: Any questions from the committee? Seeing none, thank you.

ALLIE FRENCH: Thank you.

WAYNE: Next proponent. Thank you.

_____ : Good afternoon, senators. I'm going to read and summarize portions of the book, The Haters. The title is my own district of Kearney Public Schools and in other schools across the state. Fourteen year olds have access to this. I was able to get some sleep after masturbating in the sink again and she was literally smushing my d*** under her thigh. She guided me onto my back and pulled on the bottom of my briefs and I pushed them over my knees and feet and I was completely naked and not hard at all. She straddled me and pulled her top off and her breasts flopped out and I heard them more than saw them. She reached behind herself and kind of carefully took my not hard d*** into one and pretty soon, I couldn't really think about anything else. And pretty soon after, I was hard and she took her hand away and I heard her opening some little crinkly package. And I felt her put the cool plastic middle of the condom snug on the front of my d*** like she was shrink-wrapping it. And I felt her fingernails through the plastic, like the legs of a crab fingernailing their way down my d***. And she rose up like a-- a little and adjusted her panties and breathed harder and opened her mouth and her breath was like vegan fritters and farm animals. And her eyes were dark and I saw them very clearly, somehow. And her hair was stiff with chlorine and itched like straw on my face. The moment she put my knee inside her, I came. I mean, that exact moment. F***, I said and I curled up around her like a snail and kept coming around a

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hundred times. And I said, F***, f***, f***, until she said, shhh, and pushed me back down onto my back and just lay on top of me. That's just a small sampling of the smut being provided and even promoted by the likes of American Library Association and placed in our schools to our students. We need to close the obscenity loophole. Please help save our children.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

HEATHER HALL: Good afternoon. My name is Heather Hall, H-e-a-t-h-e-r H-a-l-l. I am going to read you excerpts from books at Norris High School. Some of these are actually required reading in 10th grade English. I knew your mother. Did you know that? I knew her real good. I took her from behind the creek over there. The soldiers laughed. One of them made a squealing sound. I told Hassan to keep walking. What a tight little sugary c*** she had, the soldier was saying, shaking his hands with the others, grinning. This is about-- this next one is about a, a young boy being gang raped. Hassan laid with his chest pinned to the ground. Khamal [PHONETIC] and Wally each gripped an arm, twisted and bent at the elbow, so that Hassan's hands were pressed to his back. Assef was standing over them, the heel of his snow boots crushing the back of Hassan's neck. Assef knelt behind Hassan, put his hands on Hassan's hips and lifted his bare buttocks. He kept one hand on Hassan's back and undid his own belt buckle with his free hand, unzipped his jeans, dropped his underwear, positioned himself beside Hassan. Hassan didn't struggle, didn't even whimper, saw the resignation in it. It was a look I had seen before. It was the look of the lamb. This next book, Allegedly, Kelly drags new girl off the top bunk and into the hallway while she screams. I watch from the safety of my own bunk. No, please, no. Shut up, you little c***. Get her, Kelly. She dragged her down the hall by her hair, the others cheering like it's a football game. Disgusting puta. You smell like p**** through your holey panties. How, how is this enriching? This is for an English diff class, for an accelerated English class. I do, I do not get that. It's disgusting. That n***** is not your boyfriend, Marisol says. He's just using you for p****. You're not the only b**** he f***ing. Oh, I got a man and he f***s me every night, she moans, grinding on her chair before giving Kisha a high five. F*** you, b****. I ain't no fag. Marisol snaps, I-- what the f*** you laughing at, psycho b****? You have a man. Don't you see how that b*** could have anything? The Glass Castle: grandmother-- the granddaughter walks in on the grandmother molesting her little brother. I went into Grandpa's bedroom and saw Erma kneeling on the floor in front of

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Brian, grabbing at the crotch of his pants, squeezing and kneading while mumbling to herself and telling Brian to hold still, godd****t. Brian, his cheeks wet with tears, was holding his hands protectively between his legs. Perks Of Being A Wallflower: they start to make out. There's-- the stereo's playing and they're just about to do it when Parker realizes he forgot the condoms. They're both naked and putting this-- on this putting green. They both want each other. There's no condom. So what do you think happened? I don't know. They did it doggy style with one of the sandwich bags. There were other stories and names: Sheila, who allegedly masturbated with a hot dog and had to go to the emergency room. The list went on and on. These are 15 to 16 year olds reading this for English class, where they do in-class discussion on these books. This is reprehensible. This is disgusting. This is wrong and if you don't pass this bill, I don't know. There's something seriously wrong. This is disgusting. And--

WAYNE: Thank you for your testimony.

HEATHER HALL: Senator, to answer your question, you can--

WAYNE: Ma'am. Ma'am.

HEATHER HALL: --look online.

WAYNE: Ma'am. Ma'am. Ma'am. There's-- she can ask you a question, but at the three-minute mark, we're--

HEATHER HALL: OK. Sorry.

WAYNE: --there's a lot of people here we gotta get through. In fact, how many people are-- all right. Hold on. There might be a question. Any questions?

IBACH: I have a question. Thank you.

WAYNE: Sorry. Senator Ibach.

IBACH: Thank you, Mr. Chairman. I know this isn't the Education Committee, but does the school board or parents have no input on what children are reading for required reading?

HEATHER HALL: I, I, I pulled my son or I, I told him he was not able-- I told the teacher, I said he's not reading those books. I think the problem is that parents are not told. I just was aware of these books being in the, in the curriculum, so I was proactive and took action. I

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told one other parent just because I knew her, but I just don't think parents are aware of this. And I think if they were aware of this-- and they're-- they don't, they don't notify us. So.

IBACH: And so, my question to the school board, is the school board not aware of what required readings are?

HEATHER HALL: Yes, we brought it to their attention.

IBACH: OK. Thank you.

HEATHER HALL: Yeah.

IBACH: Thank you, Mr. Chairman.

WAYNE: [INAUDIBLE.] Who's all-- hold on before we [INAUDIBLE.] Who's, who's all testifying remaining in this bill? For, for pro-- I know. For propon-- Well, you might not be going next. I might go to opponents right now. Ma'am? Ma'am? Hold on one second because I might go to opponents right now. I'm trying to figure out time-wise what we got here. So who's all left for proponents? OK. Just five. Who's all here for opponents? OK. Come on then. We'll stay with proponents, then we'll go opponents. Thank you.

BROOKE RITTER: The reason I jumped ahead was because I think I can answer a lot of these questions for you guys. My name is Brooke Ritter, B-r-o-o-k-e R-i-t-t-e-r. I am from Kearney and I have spent more than 6 hours questioning my school officials, from the head of the high school for the principal, the librarian, the head of librarians, superintendent and a board member. So what I found out was when I asked what the rules and regulations were, I was told that there literally were none, that the F-bomb is available to any child at any age. Actually, porn of any kind can be brought in at the discretion of a librarian who has complete carte blanche to take care of their library and curate their collection, as they call it. So there are no rules. It's up to librarians. I was told by one of my librarians that they're at the mercy of third-party reviewers because they have to bring in so many books that they can't vet them all, so they just read third-party reviews. I was told that parents being put on the committee was not going to happen. But per board policy, they ask a child to be on the Challenge book committee. So if a person said don't give that to a child, the first thing that my board decided to do was make a child be part of the book selection process. They will not allow parents. When we did have the book challenged selection

policy, they put together a board. They wouldn't tell us who it was. They didn't tell us what they discussed and then they came back a little bit later and said they were just going to put it right back on the shelf. I asked my superintendent how having a d*** in somebody's mouth isn't porn? Stop it. It is. That's disgusting. And do you know what I was told? There is nobody who will be prosecuted, so he doesn't want to hear about it. What in the world are we doing? We need to close this loophole. This loophole was put into place so that people could bring in educational obscenity, but this has been bastardized to the effect of now, d*** getting sucked is a picture in a library book. And my child was 13 when she started high school. And in fact, my librarian from the high school said that The Bluest Eye was actually inappropriate for younger age groups. But it hasn't happened yet. Nobody's been harmed yet. We're waiting for the harm before we do anything. That is unacceptable. We know it's wrong. She said it was inappropriate for younger age groups, but yet it's in there. Why? Why are we waiting for harm? That's all I have to say.

WAYNE: Thank you. Any other-- any questions? Seeing none, thank you for being here. Next proponent.

LINDA VERMOOTEN: Good afternoon.

WAYNE: Good afternoon.

LINDA VERMOOTEN: Senators, my name is Linda Vermooten, L-i-n-d-a V-e-r-m-o-o-t-e-n. In response to that last statement, let me just say that I am definitely testifying as a proponent for this bill because the harm has already been done. These children are exactly that. They are children, they are minors. They are not emotionally and psychologically prepared to hear when we have had to sit through. But frankly, I feel like I need to go home and have a bath. I don't know about you. And this is in elementary schools, this is in middle schools. The damage is done because they don't know what to do with this. I remember one of my friends talking to me recently and saying, my son came home and he was in this dazed state and like, he was in a state of shock. And I said, Are you OK? And he kind of mumbled something under his breath. And then he said, well, they talked about some of these books at school, and he ran up to his room and he couldn't cope with it. He didn't know what to do with it, let alone be able to talk to his mom. The question I ask is whose children are they? They're not the children of the state because we don't live in Russia yet. We don't live under communism. They are the children of the parents and yet the one factor that has been excluded in all of

these is the parents. The parents have no say. They can't even go look at the books. They can't even say, I don't want these books. They don't like to send home textbooks with children anymore, so parents don't really know. And when they ask, they get the runaround, as was hinted at as a couple of previous testifiers. So we have to say that, yes, there has to be a distinction between elementary, junior high and high school and secondary, postsecondary, high school is anything that's outside of that. And that is where the problem is, because currently now, the librarians cannot be prosecuted for handing out such information under the Pornography Act. They all have this exemption because it's supposedly educational, but this is not the kind of education. Think back when you were in school. Did any of you have this kind of education? I think your parents would have marched down to the school very fast and said, no, no, this is not what we want for our children. There's lots of things that we prevent our children from being involved in. They can't smoke, they can't buy cigarettes, they can't drive, they can't vote, they can't buy and consume alcohol legally till age 21. All we are asking is that this be kept out of their reach, as best as we can, until they are not a child any longer. And that's why that phrase has to be in there. And as I sit and I, and I listen, I kind of see that we are kind of getting pushed through very fast. This is not-- this is very serious to us. That's why we take time to prepare testimony and drive and come and sit before you, because we want our voices to be heard for the sake of the children. Otherwise, you're going to keep people like me employed for a lifetime, because we're going to have lots of them before us--

WAYNE: Thank you for your--

LINDA VERMOOTEN: --with serious problems.

WAYNE: --thank you for your testimony.

LINDA VERMOOTEN: Thank you, Senators.

WAYNE: Any questions from the committee? Seeing none, thank you. Welcome.

DIANE CAHILL: Hi. My name is Diane Cahill, D-i-a-n-e C-a-h-i-l-l, and I'm here to talk about a book called This Book Is Gay. This book is in the library at Westside High School in Omaha. Someone-- I'm not familiar with the exact person, but someone did write up a complaint about this book. It went before the review committee twice and it was determined that this was OK to keep this in the high school. And so I

just wanted to read an excerpt from it, from page 173, Doing the Sex. Two men can pleasure each other in a variety of fun ways. One: handies. Perhaps the most important skill you will master as a gay man-- gay or bi man, is this timeless classic, the hand job. The good news is you can practice on yourself. The bad news is each guy has become very used to his own hand getting himself off. Something they don't teach you in school is that in order to be able to come at all, you or your partner may need to finish off with a handy. A lot of people find it hard to come through other types of sex. A good handy is all about wrist action. Rub the head of the c*** back and forth with your hand. Try different speeds and pressures until he responds positively. A bad hand-- a bad handy is grabbing a penis and shaking it like a ketchup bottle. Finally, my misunderstanding about rubbing two penes together wasn't far off the mark. Rubbing them together in one hand feels awesome. Mega combo handy. Two: blowies. Oral sex is popping another dude's pene in your mouth or indeed, popping yours in his. There is only one hard and fast rule when it comes to blow jobs. Watch the teeth. Lips and tongue? Yes. Teeth? No. And this goes on and on. And I don't need to read anymore because I know that you all are educated, but why you think that this is necessary for children to know this, have this information at their hands, is beyond me. So I hope that you will support LB441 and we can get this stuff out of the schools. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you.

DIANE CAHILL: Thank you.

STEPHANIE JOHNSON: I was going to say welcome. Thank you for having me. My name's Stephanie Johnson, S-t-e-p-a-n-i-e J-o-h-n-s-o-n, and I came to realize about all of this happening a couple of years ago. And I just want you guys to know, Carol Blood, Senator Blood.. I just want you to know, you guys are our last, our last line of defense on this for our children. Because we do go to the school boards, we do show up and we've done all we can. But it is really-- we're, we're coming to you because we've done all we can at the school board level. And as you've heard, this is happening. I was in education for 17 years and I got out of it in 2014 and it was just starting then. But what's happened is it's gotten so far down the track, that it's-- if some-- if we don't-- it's like a train spiraling down a track. And if you-- if someone doesn't come up and say, stop, we're-- all we're asking, all we're asking is you to close the loophole to protect children, kindergarten through 12th grade from obscene. We're not asking to

change the definition of obscenity. That stays the same. Those statutes stay the same. The definition stays the same, it's just to close the loophole and protect our children, K-12, from this. I have friends that teach all over, but I do have still, a lot of friends that are in the district, but outside of our district-- so we've-- you've heard excerpts from like middle school, probably nine and up, I would imagine. But it's happening with our children-- first, second and third grade. What happens is they get these books and they're supposed to have them in their classroom and read them. I have friends outside of this district that will hide those books from her students and even take them home when she's-- when someone comes into her classroom on summer school to teach, because she doesn't want to be held responsible for what those little eyes and ears are going to see. It really-- parents don't really know what their children are seeing in the school. So that's why we need you just to close the loophole. We're not-- all we're asking is for obscene materials to be protected from our children. Obscene materials. We're not changing that definition-- just from K-12, not adults. Adults can do what they want. So that's it. So thank you for your time today. We appreciate you considering this bill and hopefully getting it out of committee. Thank you.

WAYNE: Thank you. Any questions? Senator Blood.

BLOOD: Thank you, Chair Wayne. I just want to make it really clear. The issue that I'm having with this bill is that you are all concerned about, the issue I'm having is that you take a word that is already comprehensive and you make it less comprehensive by adding in the word that you think is closing the loophole.

STEPHANIE JOHNSON: Tell me how it makes it less comprehensive?

BLOOD: I, I explained that senator-- to the senator and I would have to explain to you outside of this hearing.

STEPHANIE JOHNSON: Well--

BLOOD: I just, I just want you to be really clear on that since you called me out.

STEPHANIE JOHNSON: Well, I wanted you to hear my testimony and you weren't paying attention.

BLOOD: That's actually not true.

STEPHANIE JOHNSON: Well, it didn't seem like that.

BLOOD: We can't bring our bills up and any comments that, that's going on unless we have our computers in front of us.

STEPHANIE JOHNSON: I understand that, but I'm here to testify and I've been waiting over an hour.

BLOOD: And I, and I heard you testify [INAUDIBLE.].

STEPHANIE JOHNSON: And so I-- and if you don't-- and if you can't, and if you can't explain--

WAYNE: We're not going to do-- ma'am. Ma'am. Ma'am.

STEPHANIE JOHNSON: -- to us why that word makes it less comprehensive.

WAYNE: We're not going to-- what we're not going to do is interrupt with both-- we're not going to talk over people because people have to transcribe this.

STEPHANIE JOHNSON: She's talking over me.

WAYNE: And that's going to be very hard to transcribe, that exchange right there, so one at a time.

STEPHANIE JOHNSON: Well.

WAYNE: Because there's going to be comma something-- comma-- dot, dot, dot. It'd be really hard. So.

STEPHANIE JOHNSON: I would like, at some point, an explanation as to how it makes it less comprehensive when all we're asking is to change the loophole and to have K-12 be exempt from obscene materials.

WAYNE: And that's a conversation you guys can have offline. We-- I mean, we don't answer questions.

STEPHANIE JOHNSON: And I would be more than happy to do that. Thank you.

WAYNE: I, I do have a question.

STEPHANIE JOHNSON: Oh. OK. Yes.

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WAYNE: What I find ironic, and, and I've already-- yeah. I'll have conversations with school board members in my district about some of these things. But what I'm, what I'm struggling with is, we, we came in a public hearing which will be transcribed and I think most of the people who are testifying know this. That we are on public TV and people are reading word for word the bill-- the words that you're trying to ban when kids at home are do-- are watching this-- that you're doing the same thing that the school districts are doing.

STEPHANIE JOHNSON: And we are--

WAYNE: Oh, yeah. There are kids who are fourth grade class, part of civics; they come down here and tour the building and they look at [INAUDIBLE] they look at these hearings. So what you're--

STEPHANIE JOHNSON: My question--

WAYNE: --what I see, what I see happening-- and again, I'm, I'm-- I got to have a conversation of why some of these are in middle school, but we're doing the same thing.

_____ : [INAUDIBLE.]

WAYNE: Ma'am, I will ask you to leave if-- can you escort her out? No, no, I need you to escort out. And it's not just-- I do, I do it with everybody. And so how--I, I want you to-- because I want you to respond to that. Like, how, what's the difference?

STEPHANIE JOHNSON: I think because we are pleaing [SIC] with you to understand the gravity of the situation of what our children-- the-- we are here for one hour. You get one hour.

WAYNE: No, no. We don't do one hour. We don't do one hour.

STEPHANIE JOHNSON: They have this-- well, however long it takes, yeah.

WAYNE: We do one hour on the big ones. Right. However long it takes.

STEPHANIE JOHNSON: However long it takes, which--

WAYNE: I run my committee that way. We, we, we want-- everybody gets the opportunity.

STEPHANIE JOHNSON: There's an end. There's an end to it. We can come up and read a three-minute excerpt, but would you have known about it

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if this not-- if we had not done this? Would you have known about that?

WAYNE: Well, yeah, because I-- I know I'm not supposed to answer questions, but I'll entertain this.

STEPHANIE JOHNSON: Oh, sorry.

WAYNE: I'll entertain this, because I actually read all these things you hand out. By, by saying them word for word, there-- these are--

STEPHANIE JOHNSON: So--

WAYNE: --all going to be searchable by a fourth grader when they're looking up books in libraries.

STEPHANIE JOHNSON: So my-- I guess what I would say to you is then, you are acknowledging it's inappropriate.

WAYNE: I may be acknowledging it, but there's a lot of things that-- this is the last time I'm going to do this. There's a lot of things that I find inappropriate and there's a lot of things that I wish I could change, but there's also a lot of other nuances that you got to have to any bill that, that's before a committee. So it isn't-- I mean, if I can paint a bill and get everything passed, then I probably wouldn't get stuff vetoed most of the time or I-- so there's a lot of nuances to this, like one, there's local school boards, there's state boards. And I understand. I watch the state boards, I watch the school-- local school boards. I was on the local school board.

STEPHANIE JOHNSON: Yeah.

WAYNE: But at the same time, I hear local control over control. So there is a balance, right? And we're trying-- and I understand Senator Albrecht has talked about this bill in previous years that we're kind of a backstop to all of that. I get that.

STEPHANIE JOHNSON: Yeah.

WAYNE: But what I'm saying is what I, what I watched today was the exact same thing you're saying you don't want the school districts to do.

STEPHANIE JOHNSON: We-- we're adults in an adult room.

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WAYNE: I understand that.

STEPHANIE JOHNSON: And children--

WAYNE: But there's nothing--

STEPHANIE JOHNSON: --go unattended to a library.

WAYNE: --and there's nothing stopping a fourth grader right now to pull up this transcript and read everything that just was said.

STEPHANIE JOHNSON: You are correct. And there was nothing from stopping the fourth graders who attended the hearing yesterday morning when they, when they were talking about all these children get-- that they're going to--

WAYNE: Exactly.

STEPHANIE JOHNSON: --commit suicide before the end of the year.

WAYNE: I agree with you. I'm not saying that, but I'm just saying you guys are-- you answered the question. You gave me your, your thoughts on it, so I appreciate it.

STEPHANIE JOHNSON: I, I honestly--

WAYNE: But we could have this dialogue. You know, I mean, my door is always open, so we could have that.

STEPHANIE JOHNSON: I appreciate the question.

WAYNE: Thank you.

STEPHANIE JOHNSON: I honestly do. And I just appreciate the time.

WAYNE: Well, you were the first one who didn't use profan-- I won't say profanity-- didn't use those words. I, I don't know if it was a conscious decision or not, but that's why I asked you.

STEPHANIE JOHNSON: It's hard for me and I heard it enough.

WAYNE: Yeah.

STEPHANIE JOHNSON: And I, actually, to be honest, I had an excerpt in my purse. I just wanted to come to speak from my heart of what we did

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and all we want is to protect our children from this. That's all we want. And we're coming to you because we tried everything else.

WAYNE: I-- and I, I watch you guys. Here's what I will say, for you in particular. I've watched you guys go through each level of government and I appreciate that. Thank you.

STEPHANIE JOHNSON: Thank you for your time.

WAYNE: Any other questions? Seeing none, next proponent. Trust me, I started at the school board, too, and now I'm in the Legislature still fighting the same thing. So I get it.

JEANNE GREISEN: Hi there. My name is Jeanne Greisen, J-e-a-n-n-e, last name G-r-e-i-s-e-n, and I'm here representing Nebraskans For Founders' Values. And we are the protectors of the First and the Second Amendment rights in all 93 counties of Nebraska, with a special interest in protecting children. And obviously, I've been spending some time today-- you see, I have the rules of the Nebraska Legislature. I've been following up on what are the rules. And funny, I'm in the Judiciary Committee. That means everybody in here has put it, Judiciary, on top of their priority that they wanted to be on this committee, probably, that maybe you got here--

WAYNE: I'm going to give you an extra 10 seconds just to tell you that is not what happened on this committee. [LAUGHTER.]

JEANNE GREISEN: Well, I was told in the rules--

WAYNE: It was not-- very little-- few people's priority. All right. You have an extra 15 seconds. All right.

JEANNE GREISEN: Well, I was told in the rules that you get to decide which committees you would like to be on, so maybe you got the short end of the stick. Whatever. Anyway, so I'm here in support of LB441. I think it's worthwhile to ask the question who and for what purpose ever wrote the exemption for education into law in the first place? So if we look at the Nebraska Revised Statute 28-813, Obscene literature or material; prepares; distributes; promotes; penalty. And I'm going to read this law. It shall be unlawful for a person knowingly to print, copy, manufacture, prepare, produce or reproduce obscene material for the purpose of sale or redistribution or to publish, circulate, sell, rent, lend, transport in interstate commerce, distribute or exhibit any obscene material or have in his or her possession with intent to sell, rent, lend, transport, or distribute

any obscene material or promote any obscene material or performance. So when I read that law and then I read number four: any person who violates it shall be guilty of a Class I misdemeanor. So here's where the common sense comes in. So if I stood outside in the parking lot of a school, a K-12 school, and decided I wanted to have some of these books that are in the library or the schools and I distributed those to the children-- say, hey, I have some books. I'm going to give you some books. The police could come and arrest me and give me a Class I misdemeanor. However, if the child enters that school and the same stuff is distributed to the kid, that's OK. Now I find there's something very messed up about that, but that is the fact of how this law reads. So somewhere, someone did something very disgusting when they let this happen. That's all I have, because that's the common sense and that's the fact of the matter and how the law reads.

WAYNE: Thank you. Any questions from the committee? Actually, I really appreciate your testimony because I don't disagree with you. I think-- yeah. We'll work with Senator Albrecht and figure something out. But yeah. That's--

JEANNE GREISEN: Please. Get this-- and save our kids from getting this disgusting stuff in front of their eyeballs.

WAYNE: Thank you.

JEANNE GREISEN: Yeah.

WAYNE: Next proponent.

ADAM GOTTSCHALL: Good, good afternoon, everyone. As you can tell, my nerves are about shot after hearing, you know, a bunch of pornographic material. Actually, I had a speech prepared for today, but I refuse to go ahead and contribute to that. The book that I had was going to be Call Me By Your Name. And it was kind of a last minute preparation as I didn't know I was going to have today off. Most of you guys know me and I'm not speaking in any sort of official capacity, but I do sit on the Metro Community College Board of Governors. And like I said before, I'm not speaking in an official, official capacity. But when we talk about students and we talk about their education-- and maybe this is more appropriate for the Education Committee. I would fully admit to that. But this is the day I happened to get, get off and I typically work 60, 70, 80 hours a week, plus dealing with the college. So anyway, somebody knows who's come-- that these book titles are, in fact, coming into our public school lib-- public school libraries. And

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in fact, you know, they do need to be held accountable for this. I mean, you know, in a book summary on this book, says a young man becomes romantically involved with an older house guest. And I'm going to give you some statistics on the book that should floor you. They have profanity listed a total of 60 times in this book. And this book is completely sexually oriented. Now, I can tell you that this is a-- this-- the information I'm going to tell you is public knowledge. We spend an insurmountable amount of money doing remedial training through the college, OK, with especially, students coming from Omaha Public Schools. Now, do we really need to be doing-- focused on material like this or do we need to be focused more on reading, writing, arithmetic, stuff like that? So my, my testimony in support of LB441-- and again, I had a speech prepared and decided to scrap it. This is the last minute-- would be to let's talk about, you know, what actually needs to be in the schools. Let's talk about, you know, whether or not somebody actually needs to be persecuted or prosecuted for this material that they have allowed in the schools and how we-- and how you guys on the Judiciary Committee here can, in fact, help influence a more positive change in the school system. I yield the rest of my time, I guess.

WAYNE: Can you, can you do one more thing?

ADAM GOTTSCHALL: I'll take any questions from anybody.

WAYNE: Can you spell your name for the record?

ADAM GOTTSCHALL: That's G-o-t-t-s-c-h-a-l-l.

WAYNE: Thank you. Any questions? Senator Blood.

BLOOD: Thank you, Chair. Just a quick question because you do sit on a board.

ADAM GOTTSCHALL: All right.

BLOOD: I'm just going to throw a couple names at you that come to mind. Do you think we should ban Huckleberry Finn? Huckleberry Finn-- do you think we should ban that book? Mark Twain?

ADAM GOTTSCHALL: Remind me of what the context of the book is. It's been a long, long time.

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BLOOD: I'm not sure how to explain Huckleberry Finn. It is a story about a young boy who escapes an abusive father and he sets out on an adventure with a man of color. Does that ring a bell?

ADAM GOTTSCHALL: OK. So when, when you-- when we talk about various books, I think that it's one of those situations where we should take each book case by case and take it, you know, take that into consideration.

BLOOD: So if the word n****r was in that book a bazillion times, would you think that would-- should be a book that should be banned?

ADAM GOTTSCHALL: I'm going to be honest with you. I've never read it.

BLOOD: But it is usually required reading in schools.

ADAM GOTTSCHALL: It is? OK.

BLOOD: Mark Twain.

ADAM GOTTSCHALL: So I, so I would say obviously, any book, depending upon the context, should not be read.

BLOOD: But yet we aren't hearing about books like that. And that's one of the things that concerns me about things like this is that we hear about, about people's perception of obscenity. And I'm not saying that I enjoyed listening to any of that--

ADAM GOTTSCHALL: OK.

BLOOD: --but it seems like, sometimes, it's about what we will and won't accept. There are more books on school shelves that are racist--

ADAM GOTTSCHALL: Um-hum.

BLOOD: --than are offensive when it comes to obscenity.

ADAM GOTTSCHALL: So my position on those-- on books is we have a history in the United States, whether we like it or not, in, in world history in both good and bad. We should always be able to learn from that history and push forward. I will not say the N-word. It's not something that is in my vocabulary. I understand that it exists. Typically, if I read something that has that word in it, I look around the context to see if there's some reason why it was necessary for that context. Otherwise, I just typically stop reading it.

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BLOOD: It's never necessary.

ADAM GOTTSCHALL: And--

BLOOD: What about Judy Blume? Did, did you ever have any sisters or children that read Judy Blume?

ADAM GOTTSCHALL: Did I ever have any what?

BLOOD: Sisters or women in your family that read Judy Blume?

ADAM GOTTSCHALL: I'm not sure.

BLOOD: So Judy Blume was, was encouraged reading for young girls when I was in school.

ADAM GOTTSCHALL: OK.

BLOOD: I clearly remember: we must, we must, we must increase our bust. The bigger, the better, the tighter the sweater, the boys depend on us. I remember almost everything I read, by the way.

ADAM GOTTSCHALL: OK.

BLOOD: So I don't remember parents trying to pull those books out of libraries because they felt that the storyline had a purpose. So I guess the question that I'm asking you, as a professional--.

ADAM GOTTSCHALL: OK.

BLOOD: --is who gets to decide what's offensive and what isn't?

ADAM GOTTSCHALL: I think--

BLOOD: Because parents certainly have that ability. Parents have, and we already heard one person say that, I had, I told my teacher I didn't want my kid to read that book. And when I was in school, if there was a book that was borderline concerning in the seventies, you had to get parental permission to read that book. Johnny Got his Gun was one that I had to get parental permission to read, because it was a very disturbing book.

ADAM GOTTSCHALL: I think that if we draw the line at getting a parental permission would actually be a good thing. But unfortunately, this is just-- this just goes unchecked. It just goes unchecked all the time. And I mean, my son checks out books all the time that aren't

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on his reading level, not necessarily, you know, pornographic. That's not where I'm going with this. But what it is, is, you know, they weren't on his reading level. And so-- because he can just walk into the library and check out whatever he wants. Now, the school that my son goes to happens to be conjoined with Omaha Public Library, which I think is a great partnership. You know, it's a cost-saving measure as well as, you know, being able to access more material. But, you know, I've seen him come with not grade-appropriate books, like I said, nothing pornographic or anything like that. And so when a student-- my student, who is in-- he's now in fifth grade. This happened, you know, like first, second, third grade, that he's able to do that, that concerns me because nobody was even looking at anything that he checked out.

BLOOD: But you saw it as your parent-- as a parent, you're able to say, I don't want you to read that. Correct?

ADAM GOTTSCHALL: As a parent, I am able to sit and say that I don't want to read that. Correct. And however, I think we should compartmentalize book titles as according to, according to ratings. Right. So, I mean, if that's where we're going with this, then we need to look at like TV ratings. We have TV-14, we have G, we have PG, we have PG-13, we have rated R, we have rated X up through triple X and whatever. So if, if that's the, if that's the compromise, then that's the compromise. And I think that, you know, maybe that that's the appropriate approach. That's kind of where I stand with that.

BLOOD: Fair enough. Thank you.

WAYNE: Any other questions? Thank you for coming down on your day off.

ADAM GOTTSCHALL: All right. Thank you.

WAYNE: Next proponent. Welcome back.

AMBER PARKER: A-m-b-e-r P-a-r-k-e-r, Amber Parker. I just have to say that wow. To hear those things when I tuned in at home, I was like, oh my word. And then I thought I was going to miss getting to come forward in my concerns. Senator Blood, you bring up a good point. I want to address with you-- ask you a question. Do you support Planned Parenthood?

WAYNE: Don't. We're not--

AMBER PARKER: Yeah, I can't ask questions. We'll just ask on the record. But, you know, Margaret Sanger was a racist. And this is something that is important to address because what we don't want-- I'm not for racism, nor should anyone be for pedophilia grooming. And that's where my testimony is going to tie this all together. There was a teacher, I believe was New York-- and I want to first of all, thank Senator Albrecht for bringing this forward-- and this was part of a testimony that had been on the record a few years ago when Senator Albrecht had brought this forward maybe a couple of years ago. There was a man connected with a pedophile group and his job was pushing child pornography policy. And I think some of us have heard the word, is it Balencia [SIC - Balenciaga], of certain photographs of basically encouraging and standing up for child pornography, as news media have shown us this. So I think when we're addressing a topic, it is shameful to take when you support of an organization whose founder was a racist, but then to bring that forward and it's a distraction away from protecting the innocence of children. You just heard adults that are hurting and what they had heard. And you want to teach this to kids under a guise--

WAYNE: Ma'am, I'm going to ask you-- and it's, it's not to do to you thing. Just state your testimony. [INAUDIBLE.]

AMBER PARKER: Yeah. Yeah. No, that's what I'm-- well, I'm just talking in general because there's a lot going on because--

WAYNE: No, [INAUDIBLE].

AMBER PARKER: --everyone should be voting for LB574 coming forward and we can't even do that to protect the children. This is not about adults. This is about a children. This is about protecting children. And you have already made clear you don't want to close a loophole. This is not the first time this legislation has come forward and that's greatly concerning. Greatly concerning. We went to the school boards. People did their homework. When is this message going to take place? And I just told you-- and I will be glad to dig that up again-- this teacher was connected with a pedophile group and is working on child pornography policy. That's what is right now allowed to happen in Nebraska the way the law is.

WAYNE: Thank you for your testimony. And if you can send that to me, I'd appreciate it. You know, [INAUDIBLE].

AMBER PARKER: The-- yeah, with the New York teacher? Absolutely.

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WAYNE: Thank you.

AMBER PARKER: Thank you, Senator Wayne.

WAYNE: No problem. And I-- just so you know, I think most people are new. Actually, most of this committee is new to the Judiciary. So we haven't really dealt with this issue yet, so that's why we're trying to get--

AMBER PARKER: But yeah, yeah.

WAYNE: You know I always appreciate you coming down.

AMBER PARKER: There are, there are some that have been here for a while. Thank you. Thank you.

WAYNE: Thank you so much. Next pro-- proponents. Proponents. Any other proponents? All right, moving to opponents. You want to go first so you can-- OK. Thank you for waiting patiently. Yeah. Thank you.

JOSEPHINE LITWINOWICZ: Good evening or whatever, Chairman Wayne and members of the Judiciary Committee. My name is Josephine, legal name Vincent Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z, and what I just heard is garbage. Well, I got-- what I just heard was-- that's insane. I'm not old enough to, to read that. And I, I, I-- and again, I think we are. But I mean, for the purposes of the bill-- and it's not-- anyway that's-- for the purposes of the bill [INAUDIBLE] secondary education. You know-- and first of all, you know, would you outlaw Romeo and Juliet in high school, before I get to that? You know, when the nun says you learn to lie, lie on their back [INAUDIBLE]. I mean, that's in Romeo and Juliet. It's like the only line that-- and so there's going to be-- I don't know. But this, this garbage. Are you going to outlaw The Canterbury Tales in college? You know, I mean, it's-- it could-- I think it ought to be rewritten. And I don't know what to say about how you choose, except for the garbage I heard today was unacceptable. But when you get to a college, university, you got to be careful. I mean, you really do, because it's a different story and you have to-- I don't know what you do there, because I'm-- because of the-- it can be abused. I'm, I'm in favor of you don't mess with colleges, the faculty, unless you're, you know, a bunch of [INAUDIBLE] dummies. You kind of get together, you know and they police each other. You know. Anyway. So. Oh. What I wanted to say, so this is important because-- well, I gave you what I was going to say next is that, you know, I-- you know-- I don't want to-- books

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about transgender people being banned, you know, because then, you know, that would be, I'm mad about the fact that nobody thinks I exist, you know, and that we like porn and recruit kids. But back to the point, is that, you know, when that happens, you build, you make future people that discriminate me-- against me for my disability, but I was targeted because of who I look like and who I am by a former Speaker of the Legislature, Mike Hilgers, and current attorney general. So that's what we're breeding future possibilities of, because I took that personally. You know, you're not supposed to take it personally, I guess, but I did. And so I'm going to state it for the record as many times as I need to.

GEIST: Thank you. Thank, thank you.

JOSEPHINE LITWINOWICZ: [INAUDIBLE] get it going.

GEIST: Thank you for your testimony.

JOSEPHINE LITWINOWICZ: OK.

GEIST: I appreciate it. Are there any questions for the committee?

JOSEPHINE LITWINOWICZ: I don't think so.

GEIST: I don't see any. Thank you.

JOSEPHINE LITWINOWICZ: All right. Thank you.

GEIST: Any other opposition? Good afternoon.

CHARLIE YALE: Good afternoon. My name is Charlie Yale, spelled C-h-a-r-l-i-e Y-a-l-e. I'll see if I can get my laptop to work. OK. Good afternoon, senators of the Judiciary Committee and Chairman Wayne who's not here, but my name is Charlie Yale. I'm a student journalist, thrice published by The New York Times. I'm a congressional debate national qualifier and I'm a junior in high school and I'm a concerned constituent who wants the best for my state. I'm here to speak in opposition of LB441. LB441 tries to fight a nonexistent problem. If you affirm this legislation, you open my teachers up to prosecution. While this legislation doesn't change the code of what is or isn't obscene, it does create a legal gray area for content that is absolutely necessary to the education and reinforcement of our children. If you force teachers to leave in an already strained teacher market, it's going to make problems so much worse. I'm the first actual student in an Omaha Public School that you'll hear from

today, so y'all better listen up. Firstly, let's look to Florida's Don't Say Gay bill, which if we're being quite honest, this bill is a precursor for. The second proposition or the second proposition speaker proves my exact point. They talk about critical queer and transgender theory being obscene and hurting our children, but they have a serious misunderstanding of the legislation in front of them today. Firstly, they have a serious misunderstanding of [INAUDIBLE] at hand, and they can't cite a single case of like, queer or trans theory hurting children. They want to take away representation for young people, for like content that, quite honestly, isn't obscene. And banning speech isn't ever the answer. The third speaker on this affirmation said that books like queer theory will be banned under this legislation, but they themselves explain that the American Library Association endorses a lot of these books that they want to ban. So this means that these books don't satisfy the legal definition of obscenity, deeming their point absolutely moot. I don't understand why the affirmation thinks that they're making-- what point the affirmation thinks where they're making by reading violent scenes of rape in front of young children in this Chamber, which is just what we are trying to avoid. Throughout my 12 years in public high schools, I've never had a teacher push obscene content onto me. This is simply not something that happens, ever. There's-- this problem is trumped up to be something about teachers coming for students, but that's not the case. And I actually read quite a few of these books, including *The Kite Runner*, which is talked about in testimony. The complex literary themes of this book goes far beyond what are showed in some of these speeches. And it's like-- it's a story of two young Afghan boys, one who is able to immigrate to the United States to escape war while his servant, his best friend, is stuck back in Afghanistan to face war's horrors. You cite content that doesn't, once again, satisfy the content of obscenity. Let's now look to Florida, where teachers are already feeling under fire for laws passed like this. A *Wall Street Journal* article said that educators say that they are now uncertain about how to teach or what to teach. Some are cutting material from lessons or altering how they approach certain topics to avoid potentially running afoul of the law-- staff reviewing libraries to remove materials that some parents might find objectionable. This is absolutely horrific. We need our teachers to be able to teach material that applies to all of our students and if we pass this bill, that is not the way. What I can tell you about passing this legislation is it will cause an exodus of teachers from the state. When teachers don't feel like they have free rein in their classrooms, when they can't establish relationships with their students and when--

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GEIST: Thank you.

CHARLIE YALE: --they cannot not have nuanced decisions, they leave.

GEIST: Thank you for your testimony. Sorry about that.

CHARLIE YALE: Thank you.

GEIST: I've got to follow my lead. Yes. Senator Blood.

BLOOD: Just one question. Thank you, Senator.

CHARLIE YALE: Yeah.

BLOOD: Didn't you do a story on Herbster and misogyny like a year ago--

CHARLIE YALE: I did.

BLOOD: --for your high school newspaper?

CHARLIE YALE: Yes.

BLOOD: All right. Just clarifying who you are. Thank you.

CHARLIE YALE: Thank you.

GEIST: Any other questions from the committee? I don't see any. Thank you for your testimony.

CHARLIE YALE: Thank you.

GEIST: Thank you for being here. Good afternoon.

STACY JOHNSON: Good afternoon to all the members of the Judiciary Committee. For the record, my name is Stacy Johnson, spelled S-t-a-c-y J-o-h-n-s-o-n. I'm a veteran teacher with 19 years of experience, I currently serve as a teacher-librarian in the Omaha area. I am here today to oppose LB441 that would open the door to criminal prosecution of Nebraska school teachers and library professionals. I represent the NSEA in opposing this bill and also include Stand for Schools as an opponent. Section 28-813 deals with obscene literature materials, but how do you define what is obscene? Ask any two people in this room or in your committee and you'll get two different answers. The definition of what is obscene is nebulous and ever-changing. It is because the definition is in a constant state of flux that K-12 educators and

school librarians need protection with defense found in 28-815. The current language of the law protects a teacher or librarian who unknowingly uses material from a textbook, website or video approved for use by their school district. In the past several years, I have witnessed the fallout from the insidious campaign of misinformation being waged against public school educators and librarians: a misinformation campaign that has some community members believing the very worst about the dedicated professionals serving in their public schools and libraries. They have been brought to believe these professionals are not the dedicated and thoughtful caregivers to children in the community, but rather they are characterized as manipulative groomers who are victimizing students by intentionally inserting obscene materials into lesson plans and providing questionable books in school libraries. This rhetoric, which is spread from bad actors at both the national and local level, has led mid-career educators with many valuable years of experience to leave education altogether because the abuse is not worth the lackluster paycheck. LB441 adds an undue burden on our K-12 educators and school librarians by opening the door to an ambitious prosecutor seeking to make a name for themselves by criminally charging an educator. Our teachers and school librarians do not need the additional threat of criminal prosecution placed upon them nor will the added possibility of criminal prosecution attract young people to take up the mantle of becoming a professional K-12 educator. There are already checks and balances in place to discipline and decertify teachers and school librarians who intentionally go outside of their school systems curriculum, the library book selection policies and intentionally purchase or disseminate obscene materials in their respective settings. We ask the committee to oppose this bill and indefinitely postpone it. Thank you.

GEIST: Thank you for your testimony. Senator DeKay has a question.

DeKAY: Hi. You heard the excerpts from the books. Are those-- do you disagree or agree that those books are available in the libraries of public schools right now?

STACY JOHNSON: As far as their availability, I can't speak to that. What I can speak to is that-- and I think what's important in this case, Senator DeKay, is that when there is objectionable material that a community member finds, a parent finds, there are book challenge committees and there are policies by school boards that allow for the removal of that book.

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DeKAY: So if those books are available in Omaha Public Schools, Lincoln Public Schools or whatever public school system in the state of Nebraska, would you agree that they would probably be banned or taken out of school libraries around the curriculum?

STACY JOHNSON: Well, as we know, different communities and different individuals across the state have-- you know, we live in a wide state with lots of different cultures and beliefs. I would rely upon the community that is surrounding that school system, who elects their school board members and who oversee policy to make the appropriate decisions for what they find is OK for their students to be coming into contact with, either through their school library or in their school curriculum.

DeKAY: If those books were available in the school--

STACY JOHNSON: Um-hum.

DeKAY: --do you find-- two things: do you find those, those excerpts-- are they either educational and/or obscene in your opinion?

STACY JOHNSON: I don't feel comfortable answering that question at this time.

DeKAY: Fair enough.

BLOOD: Is anybody [INAUDIBLE].

WAYNE: Senator Blood.

BLOOD: Thank you, Chair Wayne. Just a quick question. And, and I've said this a couple times and apparently it's not being heard so I'm going to say it one more time. I feel like people are testifying today on the, the statement of intent, because when you look in the bill and you look at the small change that's made in the bill that are supposedly closing the loophole, they have taken the word educational institutions, which means early childhood, primary schools, secondary schools, higher education, charter schools, state schools, private schools, alternative schools, etcetera, etcetera-- like every school and then pigeonholed one area-- postsecondary. So that's, that's what I'm asking everybody about, is that why would you take a comprehensive sentence and pigeonhole it with a word that's just this big-- not the word, but the, the, the demographic-- if you're trying to close a loophole? So are you puzzled by the language of the bill, because I know what the intent of the bill is.

STACY JOHNSON: Right. I'm not-- I would say, I would say for me and I'm not clear on the intent. For me, when I read it, the intent is to open a doorway to prosecute teachers and school librarians or public librarians, because somebody found something objectionable that they have defined obscene and then they want-- you know, again, having an ambitious prosecutor on their side who wants to make a name for themselves. I would like to make it extremely clear that I am not here to defend the use of anything that is deemed obscene in our school systems. Certainly, nobody would be OK with that. No respectable educator that I know and I have worked with in 20 years would be OK with that. I would say that there are plenty of mechanisms in place to dole out punishment and it feels like we're seeking a way to now, not just decertify a teacher, discipline a teacher in their workplace-- and I'm using teacher just because that's what I'm familiar with. But we're seeking to then open them up to criminal prosecution. And that, to me, is a very dangerous and a very disheartening step.

BLOOD: So adding the word postsecondary doesn't really change the criminalization or what they're trying to do in the bill. I mean, you take those words out, the bill says-- still says the exact same thing.

STACY JOHNSON: Yeah. I mean, to me, I read it as-- I read 28-813 and 28-815, I read them in my-- not law school. No, no. I'm a teacher librarian. I've been one for 20 years, proudly. I read it as-- and not freeing anybody from, you know, the responsibility that they are, you know, going to be put, you know, in getting trouble for you know, having intentionally putting obscene materials in front of their students, but it's the unintentional things, you know and accidents and mistakes, they happen. Should a teacher be disciplined for that? You betcha. Should it go down the steps of the chain and whatever isn't established in there? You betcha. And whatever outcome that is, that's the right thing. But I don't believe that we need to just be opening the door to criminal prosecution for an unintentional mistake.

BLOOD: Fair enough. Thank you.

STACY JOHNSON: Yeah.

WAYNE: Any other questions from the committee? Senator Ibach.

IBACH: I just have one. Thank you, Sen-- Senator Wayne. So I, I keep trying to follow Senator Blood's line of thinking because I want to understand the big picture. So, so as a representative, do you represent NSEA--

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STACY JOHNSON: Yeah.

IBACH: --in this cap-- capacity? And just the librarians or the NSEA--

STACY JOHNSON: The body.

IBACH: The body.

STACY JOHNSON: The full body.

IBACH: And so if, if you represent the librarians and the full body, do they have protocol in place or a list of publications that are and aren't acceptable? How do they update any of that information on an annual basis?

STACY JOHNSON: Are you speaking about-- I just want to make sure I'm clear. Are you speaking about like, selection policies for materials that would go into a school library?

IBACH: Yes.

STACY JOHNSON: OK.

IBACH: So, so do you take parents' and school boards' recommendations and add or subtract from the library on an annual basis, on a--

STACY JOHNSON: So selection policies can vary by district because they're determined by school boards, you know, through local control and their approved policies and how often those policies are revisited, I don't know. In the school districts that I have worked for, we have recognized publications that we look to to help guide us in our choices for what we purchase for our schools. Now, I can tell you, quite honestly, have I been led down a fool's path by some of the reviews I have read? You betcha. And if I get something and I see something and knowing, being somebody who lives in my community and also works in there, knowing my school and my families, I would say that, oh, no. This one's not for us. This was a bad purchase. I'm going to-- no. We're not going to have that one, because even though I did all of the things that my selection policy has stated that I do, I, I don't know of any-- certainly in, you know, a major metropolitan school district that does not have a comprehensive selection policy, those things, like I said, are determined and board approved. And as we know, school boards change with, you know, every vote depending on how the wind blows. And as an employee of the school district, I am

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not a rogue agent. I am-- I have to do my, my job because I'm an employee.

IBACH: So you have-- just one follow-up question. Sorry. So you have the authority to override anything that NSEA would-- a, a, a publication that NSEA would or wouldn't approve? You have, you have that authority at the local level.

STACY JOHNSON: I'm not sure. Well, NSEA doesn't set policy for selection.

IBACH: OK.

STACY JOHNSON: Yeah. NSEA and neither--

IBACH: OK. Thank you.

STACY JOHNSON: --does the school library and the Nebraska school-- and I can't speak for them. I'm only here for NSEA. But NSEA does not have selection policies in place that go by that. Those things are determined by local school boards. And as an employee, I am duty bound to follow those.

IBACH: OK. Thank you.

STACY JOHNSON: Yeah.

IBACH: Thank you, Mr. Chairman.

WAYNE: Thank you. Any other questions? Seeing none, thank you for being here.

STACY JOHNSON: Thank you.

WAYNE: Next opponent. Welcome.

NOEMI GILBERT: Thank you. Good afternoon, Chair Wayne, members of the Judiciary Committee, my name is Noemi Gilbert, N-o-e-m-i G-i-l-b-e-r-t. I'm 17. I'm a senior in high school. I'm about to graduate in about a month; a proud product of Omaha Public Schools. I can read. And I'm here to speak about the potential damage that this bill introduces for students' freedom of access to information and freedom of speech. So it was said earlier that students do not have First Amendment rights in schools. This is actually incorrect. Tinker v. Des Moines did rule that students do not lose their rights to First

Amendment speech when they enter school. I feel like we've heard a lot from parents on this issue. I ask you to consider students as well. Students are people with minds and decision-making ability and capacity and the ability to take in and understand complex information about the world. I have read quite a few books that were-- excerpts of which, which were read today, and I ask, what can we learn from books that are considered obscene? From books like *The Kite Runner*, we can learn about how interpersonal violence is amplified by national violence, such as war. From books like *This Book Is Gay*, people can learn about sex and sexuality and identity. And this is all very important. What other kinds of material could LB441 ban? Would it ban the American Girl classic, *The Care and Keeping of You*, which has essential information about puberty and development that, if it's available in a library, it can be available for a student who might not be getting that information from any other way. I think it's essential that our young people understand their bodies and understand development and I really worry that LB441 would end up restricting sex education and education for young people about puberty and development under the guise of something that is obscene. As we've heard today, obscenity is subjective and I worry that LB441, excuse me, could open the door for information about queer youth to be considered obscene and isolate queer youth from the resources that could be available for them to develop understanding of their identity of themselves or others. And I'm happy to take any questions. Thank you.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

NOEMI GILBERT: Thank you very much.

WAYNE: Next opponent. Welcome back.

JANE SEU: Thank you. Good afternoon. My name is Jane Seu, J-a-n-e S-e-u, and I'm an attorney with the ACLU of Nebraska testifying opposition to LB441, but I thought I could kind of address a little bit more about what the bill really does, as well as the implications. So obviously, I'm in opposition, so I feel a little silly explaining how the bill works. But what the bill does is it-- first of all, obscenity is a criminal offense, right? So it's a criminal charge to, you know, like procure or distribute obscene material. This bill removes an affirmative defense for, basically, grade school teachers. So the insertion of post-secondary basically allows that defense to continue for post-secondary educators and libraries. So it removes the defense, though, for grade school teachers and lib-- teachers and

librarians. So really, we find that distinction arbitrary, that why was one set of professionals allowed this exemption or allowed this affirmative defense, but another set of professionals aren't? And then there are obviously huge First Amendment, chilling concerns on the-- on their free speech and expression by exposing grade school teachers and librarians to criminal liability because of this amendment in our obscenity statute. And really, obscenity-- the case you heard before that set the obscenity standard, the three-prong obscenity standard, it's from 1973. Obscenity is something that the Supreme Court really dealt with a lot through the 1970s, the '60s, the '70s. It's not really something that we deal with anymore because it is established law. It's a high bar. It's, it's narrow. And really, now, by bringing attention and amending our obscenity statute, we're basically, just kind of, enflaming what we think is obscene and using this term that is established and granted, it is not protected speech. But now we're blurring the lines about what is really protected, what is not, we're chilling speech, we're exposing liability with criminal sanctions. So I just wanted to clarify those points on the bill. I'm happy to answer any questions.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

JANE SEU: Thank you.

WAYNE: Next opponent.

HALLEY TAYLOR: Hi. Hello. My name is Halley Taylor, H-a-l-l-e-y T-a-y-l-o-r. Do I do address? Five-- no, no address. I am here in opposition of this bill. And I would also like to begin with a salacious excerpt. And here we go. Two households, both alike in dignity, in fair Verona where we lay our scene. From ancient blood break to new mutiny, where civil blood makes civil hands unclean. From forth the fatal loins of these two foes, a pair of star-crossed lovers take their lives, whose misadventures, piteous overthrows do, with their death, break their parents' strife. The misadventure of their star-crossed love and the continuance of their rage, which, but their end could not remove, is now the 2 hours of our stage. If you were raised here in Nebraska, it is possible that during your freshman English class, you were required to read Romeo and Juliet, written by William Shakespeare. It is over 400 years old. And in the brief introduction that I shared with you, we talk about genitalia, we talk about sex, we talk about suicide, we talk about family dynamics, we talk about gang violence. All of these themes are over 400 years old.

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And my understanding as an educator in the state of Nebraska, an English educator in the state of Nebraska, is that this bill would consider William Shakespeare's Romeo and Juliet obscene. I need this body to continue to trust the professionals. And when we look at this work, to me, that includes the Librarians Association of this nation, that includes the public school educators who are serving our youth every day, that includes the literacy coaches, that includes the curriculum advocates. We can go on and on, naming the humans we should hear from, but there is a true example of privilege when we are able to sit in this body leaving work, leaving and traveling to this body to speak. And so, I want to acknowledge that my professional development has prepared me to not only choose literature appropriate for the grade level in which I am hired to teach in our public schools in this state, but that includes every other educator in this state, whether it's a sex educator, an AP biology teacher, an anatomy instructor. If we are really going to look at this bill and what is or is not considered obscene, which is censorship as well, it is unacceptable that it would be decided by a group of homogenous-- a homogenous group of parents who were able to show up today. And I really encourage listening to the sage advice of professionals like me.

WAYNE: Thank you for your time.

HALLEY TAYLOR: Of course.

WAYNE: Any questions? Seeing none, thank you for being here. Welcome back.

JAYDEN SPEED: Thank you. Good afternoon, Chairman Wayne and members of Judiciary Committee. My name is Jayden Speed, J-a-y-d-e-n S-p-e-e-d. I am a high school senior. I am 18 years old and I serve as a student member on my school's Board of Education. I talked to my school's Board of Education and our librarian about this bill before coming today and I wanted to clarify some of the policies that currently exist at the local level. As some of the teachers have described, there are selection policies on how librarians select which books are included in our public school libraries. There are objection policies. If a parent deems something objectionable, they can object to a committee to the school board. And there are review committees in school boards that decide which books stay on the shelves and which books go. The-- there was also a claim during the testimony today, that through our public school library databases, through our websites, you could access pornographic content. From my experience,

that is completely false. We have content firewalls on all school devices and all school websites. You cannot access the ACLU website from my school computer because it is deemed, it is deemed to be content that is not appropriate for grade school ages. You can not connect to the Capitol Wi-Fi on my school computer because it is not approved by our firewall. There is not pornographic content on school websites. There is not pornographic content in our school databases. So now I'll read some of my prepared testimony. When I was in middle school, around sixth grade, I would spend my lunches, my study halls, my free time in the library. I love to read and I love to discuss with the librarians. And they would make recommendations to me on which books I would enjoy. At some point, my tastes became more advanced than what we had in our middle school library. So they began to go to the high school library and public libraries around the community to bring books to me. And this helped me flourish intellectually and become the person I am today. So when I read LB441 and I understand the liability that it opens our librarians up to, I was compelled to testify today. When I asked my grandfather what he thought of this bill, he had a comment that I thought was interesting. He said, what the heck are these people in Lincoln thinking? This is America. We don't ban books here. We don't do that. We don't do that here. I urge you to oppose LB441 and thank you for your time today.

WAYNE: You're [INAUDIBLE]. Usually I have to cut you off in these hearings. Thank you for-- any questions? Thank you for being here today.

JAYDEN SPEED: Thank you.

WAYNE: Next opponent. Next opponent.

AARON ROSS: Hello, committee. My name is Aaron Ross, A-a-r-o-n R-o-s-s. I find this bill troubling, just to be honest. It does not define what obscenity is in this. And I know we have laws that define obscenity, but by not defining it in this bill, we are opening it up to interpretation. We had mentioned Huckleberry Finn earlier. Could the use of the N-word be found obscene, surely by people in this room? It's obscene. Should it be removed from our school libraries? 100 percent not. I have three children. All of them are in the Millard Public School system. They love to read. My youngest one is just now starting to read. My oldest one is in fifth grade and she's reading at a college level. Some of the books that were mentioned here today are not appropriate content for her age. Is she able to read them and decipher the words? Yes. Would I allow her to read that? No. I'm a

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parent. I should have the choice to tell my child, oh, maybe you put that one back on the shelf and go back to it in a year or two when you're a little bit older. You know, I see around the country today, the story of Rosa Parks is being censored. They're taking her, her race identity out of her story and just saying she was asked to move from her seat on the bus and she chose not to so she was arrested. Well, there's context to that story that's very important. We heard an excerpt earlier about different sexual encounters, specifically, oral sex was mentioned in one of those excerpts. The Webster's Dictionary defines oral sex. Do we remove the dictionary from the libraries? Definitely not. You know, but it has content that could be seen as obscene. We need to leave the definition of obscenity and what is required in school up to the educators, up to the librarians. They are not trying to have inappropriate relations with their children-- with, with your children, with anybody that they are educating. They're just trying to do their job and make people enjoy learning. A book that contains sexual content, that content may be necessary for the story. A student that's in high school that is maybe confused on their gender identity, that is confused by something that came up in their sex ed class, may need to go to that book for reference to answer their questions because they don't feel comfortable going to their teachers, their parents, adults in their life and ask those questions. I could go on and on about this forever, but really, I brought this book today. It's one that's on my five year old's shelf. Pink Is For Boys.

WAYNE: We don't allow props.

AARON ROSS: Pink Is For Boys. And this book has been banned--

WAYNE: Thank you for your testimony. We got a red light.

AARON ROSS: --in other states. I just-- can I just read the first sentence of this book?

WAYNE: No, no, no, no.

AARON ROSS: It says pink is for boys-- or girls and boys.

WAYNE: No. I'll have to ask you to leave and I don't want to do that. I give everybody a warning and I, I l let them leave. [INAUDIBLE].

AARON ROSS: Thank you, Senator Wayne.

WAYNE: Any questions? I'll ask one. Can you give me the name of the book you're about to read?

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AARON ROSS: Yeah. It's Pink Is For Boys. And it just starts off with pink is for boys and girls.

WAYNE: No. See, I gave you a second and you try to take more.

AARON ROSS: I'm sorry.

WAYNE: Pink Is For Boys.

AARON ROSS: Yes.

WAYNE: I will make sure my staff pass out that [INAUDIBLE] from that committee-- for the rest of the committee.

AARON ROSS: Thank you.

WAYNE: Any questions from the committee? Thank you for being here. I appreciate your testimony. [INAUDIBLE] try to match my color today. Next opponent.

GRACE JACOBSON: Hi, my name is Grace Jacobson, Jacobson, spelled G-r-a-c-e J-a-c-o-b-s-o-n, and I'm here in opposition to LB441. As all other opponents have brought up, the definition of obscene is being left to subjectivity and not the currently established legal and judicial definitions, which, I don't know if there's a difference, but whatever. One thing that really bothers me is this follows in the footsteps of many other bills that end up with entirely harmless and age appropriate materials being banned just because someone has a problem with, oh, that character has two daddies or that character has two mommies. A book that I'm going to reference now is And Tango Makes Three. It is based on the real story of two male penguins from the New York City Zoo who are a bonded pair. And they can't lay an egg, but they always build a nest every year. And one year, an egg gets abandoned. So a zookeeper takes that abandoned egg and gives it to this pair of male penguins and they hatch it and the chick is female and its name is Tango. And that is the whole book. They don't even mention an egg being laid. It has so little remote connotation to even the reproduction of animals. But this book has been banned in a school district in Florida under being obscene material because it has two male penguins that are the paternal or the parental figures to this baby chick. I don't think it's fair to have legislation that puts our teachers and librarians at risk. I was always reading above grade level. I read Brave New World in the sixth grade. I read How To Kill A Mockingbird in the seventh grade. I read Fahrenheit 451 in the eighth grade. I read Slaughterhouse 95 [SIC]? My brain is spacing-- also in

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the seventh grade. So children have varying degrees of maturity and of development and we should not be saying, oh, we can never, ever, ever have any content that is remotely objectionable ever. And sorry for rambling, but that's my testimony.

DeBOER: Thank you very much. Are there any questions for this testifier? Thank you for being here. We'll take our next opponent, please. Welcome.

ERIN FEICHTINGER: Thrilled to be here. Vice Chair DeBoer, members of the Judiciary Committee, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r. I'm the policy director for the Women's Fund of Omaha. We believe that LB441 targets learning environments of K-12 students and is intended to limit access to basic health education materials and information that research shows supports a student's health and well-being. We would offer our firm opposition to this bill. Three decades of research demonstrates that comprehensive health education, including sex education, leads to increased student efficacy and sympathy, respect for others in bystander interventions, communication, positive self-image, increased recognition of gender equity, increased sense of self control and safety, decreased intimate partner violence, perpetration and victimization. LB441 would limit access to evidence-based materials essential to comprehensive health education and under this bill could be labeled obscene. While not explicitly stated, LV 441 will create an environment where typical evidence-based health information would be treated with suspicion, when in fact, this material and the context in which it is provided is critical to sexual violence prevention. Not every home is a safe place for young people, but every school environment should be. Sexual violence prevention should begin early, so children learn body boundaries and healthy relationships. Age appropriate sexual health programs for second to fourth graders demonstrated significant increases in knowledge of what is an appropriate and inappropriate touch, what to do in an unsafe situation and increased knowledge and skill to identify those unsafe and inappropriate situations. Limiting access to comprehensive health education as intended by LB441 will not remediate the problems of sexual abuse. The opposite is true. Behavioral outcomes of comprehensive sex education include increased parent/child communication about child sexual-- sex abuse and when implemented with the group of children known to have been abused, resulted in increased disclosure to a trusted adult. LB441 will not solve the problems facing our youth. It will exacerbate those problems by limiting access to comprehensive health education and we believe our children deserve better. And to answer an earlier question from

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you, Senator Wayne, my daughter has watched an inordinate amount of legislative hearings on public access television, but that might just be a hazard of this job. And I'm happy to answer any questions that you may have to the best of my abilities.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next opponent.

KIMBERLY METZGER: Hello, I'm Kimberly Metzger, K-i-m-b-e-r-l-y M-e-t-z-g-e-r. I am-- this is a little insidious piece of legislation that is going to open the door to allow our teachers and our librarians to be criminalized for providing books that anybody seems-- is going to say is obscene. And with the nationwide push that we are seeing for things like Tango and whatever-- Makes Three, those kind of books that are by most people's standards not at all obscene, are being presented as being obscene and can potentially put our teachers and our librarians, of which we already have a hard time getting here in Nebraska, especially in the rural areas. And that is going to cause our teachers-- and they're going to have to be very, very careful about what they provide. And these kind of things are not made in a vacuum. You can see across this nation all of these books that are being banned. And this is the first step when you're talking about a fascist takeover of a country. This is the first step. Banning books, keeping that information away from children. And I do not want to grow up-- I do not want my children to grow up in a state where I have to be afraid as a parent that something that somebody else says is obscene is going to make me or my teacher-- my, my children's teacher or my children's librarian, potentially, be criminalized because I encouraged my child to read books that are considered obscene by others. That should be on the parent. We're all about parents' choice, right? We're all about protecting our children however is fit for our families. And this legislation clears this for other people to declare obscene things for our children. And that's not, that's not America. That's not Nebraska. Let us have freedom to train our children as we would. So please vote no for LB441.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent.

WYATT PACKARD: Hello, Judiciary Committee members. My name is Wyatt Packard, W-y-a-t-t P-a-c-k-a-r-d, and I'm here testifying on behalf of the Nebraska Library Association who urges you to oppose LB441. If passed, this bill will make it possible under section 28-813 of Nebraska law to prosecute public and school library workers for

lending library materials. Providing age appropriate content to children and their families is important. That is why library professionals who select materials for libraries generally have a masters degree in library science and follow established policies to thoughtfully review materials before they are added to the library. Obscenity, which LB441 seeks to address has a precise legal meaning and is defined in Nebraska Revised Statute 28-807. The reality is that legally obscene content is not provided in public libraries or schools. However, this bill will empower overzealous prosecutors to file charges against public library workers and educators serving the information needs of their communities. And who will shoulder the cost of this litigation? It will be the Nebraska taxpayers whose money will be wasted as municipalities and school districts are faced with the unwarranted prosecution that LB441 enables. Did you have a favorite teacher, a school librarian, as a young person? Now imagine that person is serving one year in prison and was forced to pay a fine of \$1,000 because they provided you access to books. That is exactly what this bill will allow for and LB441 does not only apply to educators or materials for children. The intellectual freedom rights of adults are also jeopardized, as public library workers will self-censor due to the fear of being prosecuted for providing legal materials that some people just don't like. Additionally, the Legislature has already identified the shortage of educators as a critical issue for Nebraska and LB441 will only worsen this problem. Nebraskans have a right to read, to access media and to seek out and receive information. It is this right to intellectual freedom that has been central to American democracy and innovation. Public libraries and schools already have local oversight in the form of library and school boards. These governing bodies have established policies and procedures that allow individuals to share their concerns regarding materials Burdening Nebraska courts with an issue that already has a practical solution is short sighted and unnecessary. LB441 will result in the censorship of legally protected information and that is unconscionable and contrary to American values. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

WYATT PACKARD: Thank you.

WAYNE: Next opponent.

MARRIANNE WILLIAMS: Good afternoon. My name's Marrienne Williams, M-a-r-r-i-a-n-n-e, Williams, W-i-l-l-i-a-m-s, and I thought the bill

was about post-secondary since-- so I'm kind of unclear about what the bill is anymore. But I just wanted to add that I believe that this is the first step that was taken in Florida and now Florida is-- has moved the whole year-- a whole year later, they've kept marching down this line of censorship. And I believe that that is the purpose for this bill, that this is just the open door and the parents rights bill that's coming up, too. I just wanted to add that yesterday, a principal-- elementary school principal in Tallahassee, Florida, was fired from her position because of Michelangelo. She allowed a class to see a, a image of, image of, not even a statue, of Michelangelo's David. Michelangelo. You know, the guy that did the Sistine Chapel and everything. So that's where we're headed because some people can't control themselves when they see body parts. And please don't pass this. It's written poorly, it doesn't-- it's not going to accomplish anything but ulterior motives down the line and that's all. Thank you.

WAYNE: Any questions? Seeing none, thank you for being here. Next opponent.

HOLLI DUGGAN: Hi. My name is Holli Duggan, H-o-l-l-i D-u-g-g-a-n, and I'm speaking on behalf of the Nebraska School Library Association. The NSLA is supposed to LB441 and would like the committee to consider these potential outcomes as you deliberate over the proposed legislation. What will be the cost to school districts to carry liability insurance for all educators, including school librarians? What will be the costs for schools' legal fees related to any prosecution in which the school is also named as a defendant? The insurance and legal fees will require additional funding, which will become burdensome. What will the effect be on the current school and teacher librarian shortage? It would increase, as current employees may choose to leave education and potential future educators may choose to pursue other careers rather than face potential litigation. What will be the impact on our families and students? Students may lose access to materials that would prepare them to make informed decisions as members of our Nebraska communities, families may choose to leave these communities if they feel their children's constitutional rights to information are being violated through state sanctioned censorship. The United States Supreme Court has made landmark decisions regarding what constitutes obscenity regarding materials available to minors. These decisions have been used to establish national guidelines for material selection in school libraries and to create locally approved library material policies. Pursuant to the guidelines of the Supreme Court and the Bill of Rights, the intellectual freedom of minors in Nebraska should be

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upheld. School and public librarians are trained experts in collection, development and service to minors. To criminalize and make librarians vulnerable to prosecution is a concerning prospect in protecting our young citizens' right to information. As champions of intellectual freedom, the library community is concerned when a small group of vocal parents could disrupt access to vital information for all patrons. We ask that our state leaders trust the professional expertise of librarians and local boards to collaborate with parents and guardians to support all students in our communities. Thank you.

WAYNE: Thank you. Senator DeBoer.

DeBOER: Thank you. What is the process by which a book sort of makes its way into a school library? Like, what's the-- do you get a list somewhere or when you [INAUDIBLE.] How do, how do librarians and school libraries decide which books to put in there?

HOLLI DUGGAN: There's lots of options. So there's, you know, different-- the American Library Association, the School Library Journal. There's all sorts of like, lists of new books being published, publishers, webinars, conferences. There's lots of professional development-- I guess, webinars and things and educational opportunities to find out about what books are coming out, what books are bestsellers. Librarians-- like the School Library Association, Nebraska Library Association, has different resources and lists and things that they can choose. And then the school, you know, they have their policies, their collection development policies and selection policies that they follow and then the librarians' expertise and experience with their communities to make those decisions.

DeBOER: So there's a number of different levels of sort of?

HOLLI DUGGAN: Yeah, to find out what books would be best for their communities and their schools and the public libraries.

DeBOER: OK. Thank you.

WAYNE: Any other questions from the committee? Seeing none-- Senator Geist.

GEIST: So were you here when the parents read the excerpts from--

HOLLI DUGGAN: Um-hum.

GEIST: --and--

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WAYNE: Is that a yes?

HOLLI DUGGAN: Yes. Sorry. Yes.

WAYNE: Um-hum is hard to transcribe.

HOLLI DUGGAN: Sorry.

GEIST: So are those part of the curriculum, the books like that, that have--

HOLLI DUGGAN: I'm not sure what schools have all on their curriculum, what books. And I don't remember each book that they had listed, but the passages were out of context. So if they were included in the curriculum, I think it would be important to look at the lessons and why those books would be included. And again, parents in schools or even in public libraries, they always have the opportunity to talk to their teachers and their librarians of their concerns and if they don't want their kids reading these materials, then [INAUDIBLE].

GEIST: So parents do have access to know with their kid-- what is in the libraries and know what their kids have access to?

HOLLI DUGGAN: Yes.

GEIST: OK.

WAYNE: Any other questions? Seeing none, thank you.

HOLLI DUGGAN: Thank you.

WAYNE: Next opponent. Next opponent. Welcome.

GARREN HOCHSTETLER: Thank you. I'm Garren Hochstetler, G-a-r-r-e-n H-o-c-h-s-t-e-t-l-e-r. I live in District 8 and work as a children's librarian, but I'm representing only myself today. I've heard the question, why are schools and libraries allowed to give kids obscene books when it's illegal for bookstores to do so? Well, the answer is that schools and libraries don't give kids obscene books. All the books being challenged in schools and libraries are available for kids to purchase from bookstores, usually from the children's section or the teen section of those bookstores. The way book purchasing and placement typically works in libraries, is that the librarians consult the intended age range or grade range assigned by the publisher, as well as those given in professional review sources like Booklist or

School Library Journal. Our mission is to provide young people with a broad variety of quality, engaging, age-relevant books. Books aren't being challenged because they're, quote, lacking in serious literary, artistic, political or scientific value for minors. In fact, typically, the people trying to label these books as obscene are doing so specifically because these books do have these [INAUDIBLE] for minors. I have heard some of the excerpts today. Is that something that we're going to be promoting to a third grader? No. There's a lot of talk about the low end, but what about 17, 18 year olds? They're minors. This would say, a book with explicit content is obscene for them, which isn't-- I don't think any high schoolers should have to read books with explicit content, but this is saying that it's wrong for any of them to and making it illegal and putting us all at legal risk. There's another example would be books that talk about menstruation. This is something that a lot of-- half the young people about, go through and people will call it obscene because they don't want any kids to hear about it. This bill would have the sole effect of enabling bad faith attacks on schools and libraries, because nothing really meets the legal definition of obscenity here. And in theory, this wouldn't be a big deal. But as we see in Florida, it's still possible to threaten classroom teachers, librarians and others with jail time and become a national laughingstock, while the shelves are emptied of good books. Let's not be Florida. Nebraska's young people and professionals serving young people deserve better. Thank you. I'll take questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next opponent.

VICKI WOOD: Greetings, members of the Judiciary Committee. My name is Vicki Wood, V-i-c-k-i W-o-o-d, and I'm here representing the Academic Freedom Coalition of Nebraska. We stand in opposition to LB441. If this bill is passed, public and school librarians could be criminally prosecuted for providing legally protected materials to their communities. Librarians are professionals who take their job seriously and strive to choose materials that represent the reading and information needs of their entire diverse communities. There are no materials that would meet the legal standard of obscenity in our school or public libraries in our state. And I just want to state this again, because the excerpts that were read from the books that we listened to today were maybe three paragraphs out of a 350-page book. So there are sexual scenes in the book. That is not the whole book. That was not the intent of the book. And the actual legal definition of pornography and obscenity has a statement in there, the work taken

as a whole. So you cannot take parts out of a book and say that that part is obscene, therefore, the whole entire work is obscene. So I just want to make that point because nobody has made it yet, I don't think. Public and school libraries are all overseen by local boards. There are processes in place for community members who want to challenge materials. There is no need to waste Nebraska taxpayer dollars prosecuting educators and librarians for imaginary offenses. There is already a critical shortage of qualified educators in our state. Please don't give our young or our experienced librarians and educators another reason to leave the state or to leave their jobs for fear of prosecution. Freedom of information is a bedrock American value and libraries are an essential part of a functioning democracy. Thank you for standing for our cherished freedoms and supporting our professional educators across the state.

DeBOER: Are there any questions for this testifier? Thank you so much for being here.

VICKI WOOD: Thank you.

DeBOER: Next opponent.

ROD WAGNER: Good late afternoon, Senators. I am Rod Wagner, R-o-d W-a-g-n-e-r, director of Nebraska Library Commission. I'm not going to repeat some of the things said earlier, but I do want to-- I, I would like to address a couple of things. I think the, the best focus for concerns and challenges about materials that are in schools and libraries really rests at the local level. Schools and libraries do have policies and procedures in place for people in those communities, in those school districts, to present concerns and challenges about materials in those schools and libraries. That is where they should be addressed. And I do know and I've seen policies and procedures that are in place. They are well thought out and they do follow very thoughtful processes for considering challenges to materials. Let's not elevate this issue to the threat of prosecution of teachers and librarians for claims about obscenity. Anybody can make a claim that an item is obscene. That doesn't mean it'll meet the legal standard. You know, why go through a criminal process and court action to make that determination when the appropriate, appropriate place is with the school district, library board, library and school. Let's place the expectation there, that if they don't have those policies and procedures in place, that they do so. We have plenty of, plenty of examples that we can provide to help them do that. The other thing that I would like to say is that in my many years working with

libraries and schools across the state, I have come to appreciate the professional-- professionalization, the dedication and service of our educators and librarians. They deserve our respect and our support. Thank you.

DeBOER: Thank you. Are there any questions for this testifier? Thank you for being here. Next opponent. Is there anyone else who would like to testify in opposition to this bill? Is there anyone who would like to testify in the neutral capacity for this bill? As Senator Albrecht is coming up, I will let you know that there were 527 letters, 235 letters in support of the bill, 292 letters in opposition to the bill. Senator Albrecht, you're welcome to close.

ALBRECHT: Thank you, Vice Chair DeBoer, and thank you for listening this whole afternoon. You know, when I brought this two years ago, we didn't have the parents that have the issues that they do today and it's just getting greater and greater day by day and it's the law that you cannot show obscenity. It's in this, it's, it's in this bill. And that's why I provided those to you, so that you understand what obscenity does mean. But more importantly, obscenity is not education. Some people might think it is, but I have 14 grandchildren and being able to be exposed to some of the things, it was hard for me to sit through this today and listen and I'm sorry you had to. I had no idea it was going to be so explicit. I thought they were going to bring you books that you can go explore for yourself. And you have plenty of information from all these letters that were sent, pro/con, whether this is a good bill or bad bill, but today is not 1977. That's the last time this bill was opened. And the reason-- Senator Blood, you keep asking this question. I'm going to try to answer it. They're giving college students a pass. They're no longer part of the K-12 education that we want in this bill. They have a pass to, to not be a part of it. That's what this-- that-- just taking post-secondary education is just saying that they, they get a pass. They, they won't be prosecuted. But when you're in K-12 and you-- I don't believe any teacher and/or librarian is going to put these books intentionally in these, in these schools the way that-- they are becoming greater and greater. I mean, somebody dropped off 500 books to OPS in the last year and a half. All this, all this has started a lot because of what happened when we were, we were going to bring sex education to the kids. You know, there are just some things that should happen at home, not in school. And I'm just saying that I know this bill is going nowhere. It's second to the last bill. We've all been there. But I promise you, next year, this will be a priority, just like the database bill that our kids can be exposed to porn within two clicks

and they can be, they can be at any site and see whatever they want to see. But you know what? We are responsible as legislators to protect the children. And I know there's several people on the floor that think we don't protect the children or don't care to, but we do. And I don't want our children being sexualized at such a young age. We wonder why we have mental health issues in our state today? This is the very reason, because we're allowing things like this to happen. And I'm here to tell you, I have a daughter that, that has four children and these-- all these grands are under the age of 13. She had to read through a book that this teacher was going to read out loud to the class, 300 pages, but that teacher had no idea, no idea what the content of that book was. So as a responsible parent, she went and talked to the teacher, they talked to the librarian, they talked to the principal, and yes, they worked it out. I'm not here to, to, to intentionally do anything, but that's what the law says. It's, it's, it's criminal to expose children to pornography. Now every one of us are going to have a different way of looking at it, but there is, there is an explanation in the terms and definition of what pornography is. So I hope that you'll take time over the weekend to take a look at that. But, but we are responsible for our children and what gets taught to them and what doesn't. And there are teachers that maybe it's easier to ask forgiveness than permission, but I do take offense to the testifier that came from NSEA, thinking that I'm trying to make a name for myself. I am trying to protect children. How dare anyone insinuate that any one of us don't have the best interests, interests at heart? So I appreciate your time. If you have any questions, great. But I'm sure this won't see the light of day until next year. Thank you for your time. I appreciate you listening.

DeBOER: Are there any questions for Senator Albrecht? I don't see any, Senator Albrecht. Thank you for being here.

ALBRECHT: Have a good weekend.

DeBOER: That will end our hearing on LB441 and I think we'll take a minute to reposition before we begin our hearing on LB371.

WAYNE: Our goal is to get out of here about 5:00 today. It is now 5:07. We are back on the record and we will open on LB371, Senator Murman.

MURMAN: Well, good late afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Senator Dave Murman, D-a-v-e M-u-r-m-a-n, and I'm the legislative-- I am the representative from

District 38. I'm the introducer of LB371, which would add a criminal penalty for bringing a minor to a drag show, institute a fine for any business which decides to host a drag show with children present, and add a clause that would not allow any state monies to be used for hosting a drag show. I want to express first that this is an inherently uncomfortable subject because I believe this largely deals with the sexual exploitation of children. I was motivated to bring this bill after seeing a clip of two drag shows that took place in Nebraska. I will refrain from using the names of the bars where these shows took place in my opening because I do not know the circumstances of how these things happened. I don't know if the bars knew that the children would be present and even participate in the show. But what you will see on the video and what I will read from a Website titled Drag Queen Story Hour Nebraska as to what the objective is, is not something that is appropriate for children to view, let alone participate in. And I did have a handout that has the Website where you can see those. The first and foremost job of any government is to protect its citizens, among the most vulnerable in our society, our children. If a government can't protect its most vulnerable from sexual manipulate-- "manipulated" sleaze, then there is no point in that government. First, I want to provide members of the committee with two links which you can watch for yourself, both of which have been posted to Twitter. In the first link, a child is seen dressed in multicolored clothing and is seen removing clothing and performing a provocative dance before an audience of 25 to 40 attendees. This video was posted to the bar in question's Instagram, which I believe is another level of perversion. This show happened in Omaha. In the second video, a child is led up to the top of a table before several attendees at a drag show in Lincoln. The child, who is visibly uncomfortable, appears to dance quickly and then hop off the bar counter or table. Below this, I've attached several links which I will show you drag shows that are even worse with children present where the scantily clad entertainers open their legs, shake their behind, known as twerking, and provide twerking lessons to children who are no older than five or six years old. This week, my office was contacted by several individuals who have been monitoring this activity, including former drag queens who are supportive of my bill but fear the repercussions of speaking out. I am going to read to the committee the first paragraph that comes up on the web page DragQueenStoryHourNebraska.org: Building community one story at a time. Drag Queen Story Hour Nebraska is just what it sounds like: drag queens reading stories to children in libraries, schools, and bookstores. Drag Queen Story Hour Nebraska captures the imagination

and play of gender fluidity of childhood-- childhood and gives kids glamorous, positive, and unabashedly queer role models. In spaces like this, kids are able to see people who defy rigid gender restrictions and imagine a world where people can present as they wish, where dress up is real. Upon arriving at this Website, my office found a few names of advertised drag queens you can invite to come read at Drag Queen Story Hour. The most repulsive name is Ms. Yuka Layme, a distinguishly-- disgustingly sick sexual trope that is clearly targeting children for negligent treatment. I decided on a Class I misdemeanor because this is an activity that is exploiting children and appeals to "prurients" interest. Current Nebraska Revised Statute 28-707 for instances of child abuse considers the lowest punishment as a as a Class I misdemeanor for placing a child that endangers his or her mental health or is placed in a situation to be sexually manipulated. The lowest offense of this act, which does not result in serious bodily injury, is a Class I misdemeanor. Clearly, this is negligent behavior. I have amended-- I have an amendment, AM67, which further defies what a drag show is-- defines what a drag show is. And I have provided you all with a copy of it. I have had further consideration of introducing another amendment that would include language stipulating that these shows appeal to a prurient interest or a sexually explicit interest. I'm leaning towards not doing so because AM67 specifies that the main aspect is for a drag artist to be engaged in adult entertainment, which is an exhibition of any adult-oriented live performance that displays adult-oriented displays or dance, which has a substantial portion of such performance as a simulated sexual activity or exhibition. The fine for any business or establishment or nonprofit that hosts a drag show and allows minors to be present is set at \$10,000. I think this is a fair amount and those who allow this kind of perversion should be held accountable. Lastly, I think it's fair to say that no state agency should be spending any kind of taxpayer money on any kind of drag show. I don't suppose that the Department of Health and Human Services or the Department of Corrections is doing anything like this. But I do have concerns about colleges in our state using any kind of taxpayer money for any activity that deeply violates the moral convictions of many citizens. Other state legislatures that have introduced drag show bills are Arizona. Arkansas. Idaho. Missouri. Montana. North Dakota, South Dakota, South Carolina, Texas, Tennessee, and West Virginia. Just recently, Governor Ron DeSantis pulled the Hyatt Regency Hotel's liquor license following a drag show with children present. Tennessee became the first state to ban these shows for children this month. Let me be very, very clear. This bill is about protecting children. I have

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nothing against anyone dressing in drag or participating in drag shows, and I love everyone. But this is about making sure kids are not at drag shows and are not introduced to overtly sexual and inappropriate behavior far too early. The bill you just finished discussing, LB441, deals with obscenity regarding books in schools. In 2022, the Nebraska Department of Education announced their Teacher of the Year. The Teacher of the Year, whose name is Renee Jones, posted to her Facebook page upon returning from a SxSW conference that she purchased the book *The Hips on the Drag Queen Go Swish, Swish, Swish*, a sing-along book meant to be sung to the tune *The Wheels on the Bus Go Round and Round*. Here's the bottom line. This is inappropriate content, is becoming more prevalent. It is not socially acceptable for children and the state of Nebraska needs to make that very, very clear. There is no educational or foundational benefit that participation in a drag show that any school or library can provide. It is purely adult entertainment, and this committee has an obligation to that end. I welcome any questions and I'll stay for close.

WAYNE: Senator Blood, followed by Senator DeBoer.

BLOOD: Thank you, Chair Wayne. Thank you for answering my questions earlier on the floor. That helped me out a lot. I do have a few questions based on your test-- on your introduction. So you noted to me that you watched pornography, and I was curious, did you report that to law enforcement when you saw those children on the bar that you said were undressing?

MURMAN: Excuse me, I didn't hear you exactly.

BLOOD: You said earlier that you had watched pornography. You saw these children dancing and undressing on a bar. Did you report that to law enforcement? And if not, why not?

MURMAN: No, I did not say I watched pornography. I did say I see-- I saw children dancing on the bar.

BLOOD: And taking their clothes off you said. Did you report that to police?

MURMAN: No, because they didn't take all their clothes off. I think it was inappropriate behavior for children--

BLOOD: How many clothes could a child have on? What did they take off?

MURMAN: Excuse me?

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BLOOD: What did they take off?

MURMAN: Boy, I'd have to look at that video again. You're welcome to look at it.

BLOOD: No, I will not look at pornography as a child undressing.

MURMAN: Yeah, they did take off part of their clothing and then danced provocatively and fell to the floor in a spread eagle position. And this was a child by the way.

BLOOD: So you had stated when you named off the names of the drag queens that are willing to come and speak at children's events, you said the name that I'm not going to repeat. But how does a name target children? That's how-- what you intimated in your intro.

MURMAN: Well, let me repeat the name.

BLOOD: How does a child know what that means?

MURMAN: Miss Yuka Layme?

BLOOD: Yeah.

MURMAN: OK.

BLOOD: I'm six years old. To me that sounds like--

MURMAN: I'll try and say it really slow.

BLOOD: It sounds like-- sounds like they're from Hawaii. I'm an adult. I know what it means.

MURMAN: OK.

BLOOD: How does-- how does that name target a child?

MURMAN: Well, the name is not-- I'm sure it's not the given name at birth for that person.

BLOOD: Because they're an entertainer and you start talking about movie stars and musicians who don't use their real name.

MURMAN: Well, I don't think that name's appropriate to be that person reading to children by that name.

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BLOOD: But that would be their parents' choice, wouldn't it--

MURMAN: Excuse me?

BLOOD: --if they were going to hire-- that would be the parent's choice whether to hire them or not, not [INAUDIBLE].

MURMAN: I think, as I said, that the government's protection is-- or responsibility is to protect children from the extremes.

BLOOD: But the question was, isn't it the parents' responsibility to decide whether they should hire them or not?

MURMAN: It is the parents' ultimate responsibility to protect their children. But in extreme circumstances, you know, children are protected from the government. They're not allowed to drive till a certain age. They're not allowed to go to a bar to a certain age. You're not allowed to vote. You're not allowed to do several things until you're a certain age, join the military. So this is another way of protecting children.

BLOOD: So as I noted on the floor when we talked today, I looked at your amendment, everything the amendment and you talk about adult entertainment pertains to rock concerts, pertains to rap concerts. How are you going to draw the line on that? Because parents do bring their kids to both of those things. And what you're saying and we talked about a lot of entertainers wear female makeup, who wear women's clothing. I mean, Harry Styles, who's popular nowadays, is wearing dresses. How-- how are you going to be able to clarify what's what? Because the way the bill is written, it reads as-- as both.

MURMAN: With the amendment, I specified adult entertainment.

BLOOD: A concert.

MURMAN: I'd-- I'd welcome the committee to work with me with an amendment to perhaps make it more clear as to what adult entertainment is. We don't allow children in to drink, you know, like I said before, a certain age or to be in clubs or to have a surgical procedure before-- to give consent to a surgical procedure for a certain age.

BLOOD: We allow circumcision.

MURMAN: Excuse me?

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BLOOD: Circumcision. We allow things like that. And we don't give them-- we allow people to cut up their penises and they don't get a choice in it. Right?

MURMAN: Well, that'd be a possibility. You know, you could bring a bill to stop that. You're welcome to do that.

BLOOD: I think I wouldn't because there would be a constitutional issue just like this, because the Jewish faith, they have a covenant between God and Abraham, and that would take away from the religion. And they have the right to practice their religion. So you have to do bills that cause no harm. I guess what I'm still having trouble with, you talked about the Tennessee bill. You do know that it's stuck in court now because they are violating people's constitutional rights. And I don't understand how taxpayer dollars are being used on drag shows.

MURMAN: Yes. I believe the-- I have heard that taxpayer dollars are being used to--.

BLOOD: In what way? Can you give me a couple examples?

MURMAN: I don't have specific examples, but--

BLOOD: You heard it.

MURMAN: Yes.

BLOOD: The last question that I have is I have been to drag shows. And they consistently, the ones I have been to, have been people who are dressed as the opposite sex, as is their right to do in the United States, lip synching, sometimes not well, sometimes well, to the songs of the person that they're identifying with. I'm not clear on how that would be something negative for a child, although I have never seen a child at any of those drag shows. Can you explain to me how that's offensive?

MURMAN: I have provided links to you of drag shows--

BLOOD: Which again, I don't watch porn so.

MURMAN: --that are definitely offensive and pornographic toward children. I'm not sure if all drag shows are.

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BLOOD: But you're saying that you want to punish anybody who participates in a drag show.

MURMAN: Well, I've provided an amendment to define it as adult entertainment. And I'm willing to work on the amendment.

BLOOD: Well, the amendment also says lip synching and adult entertainment, again, can be a rock concert, could be a rap concert, can be a play. You're really tapping into the arts with the way the amendment is written. Is that what your intention was?

MURMAN: Rock concerts has gone over the edge also and been banned from certain cities and states.

BLOOD: How long has Alice Cooper been around?

MURMAN: Pardon me?

BLOOD: How long has Alice Cooper been around?

MURMAN: How long has what been around?

BLOOD: Alice Cooper rock's [INAUDIBLE].

MURMAN: Alice Cooper? Oh, I think since at least the '70s, maybe the '60s.

BLOOD: OK, I think you're in my age bracket. David Bowie, who obviously is no longer alive. Now, how about his concert? Same thing. How about Kiss? Do you see where I'm going with that? I understand what your intention is, and I understand that your concern is for children. But when you write a comprehensive bill that is so broad that it ekes into other areas of the arts, that is not what you're doing. What you're doing is cherry-picking a demographic. And that's my concern.

MURMAN: Well, certain rock concerts have been banned from play at certain cities and states when they go over the edge--

BLOOD: Where at?

MURMAN: --they are also. I can't.

BLOOD: Can you give me an example?

MURMAN: --give you specifics, but I know they have.

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BLOOD: 'Cause-- because I got to say that since the, I mean, of course, rock music in the '50s, they tried to ban that. In the '70s, '80s, you know, Frank Zappa fought really hard to make sure that people couldn't tell you what you could and couldn't listen to when it came to music. Right? Because they tried to do what you're doing with music years ago and they-- they found out they couldn't. And you know why they couldn't? It begins with a "c."

MURMAN: I can't understand you very well, but I'm trying to protect children. That's the intent of the bill.

BLOOD: Well, the answer is they can't do it because of the constitution because the arts are protected under the constitution. So that's my concern with your bill. But I appreciate you-- you giving me the answers and you help me answer what we weren't able to talk about on the floor today. Thank you.

WAYNE: Senator DeBoer.

DeBOER: Thank you. So, Senator Murman, is the-- the point of your bill not to-- to ban all drag shows, but just to drag-- ban those drag shows that are I think you said prurient-- of prurient interest and simulated sex activity?

MURMAN: Well, with the amendment, I further-- that defined drag shows with adult entertainment, and adult entertainment can be defined as prurient interest or sexual, illicit sexual activity, yes.

DeBOER: So-- so the Drag Queen Story Hour, I mean, if people are just reading stories to kids, that wouldn't fall within that category, would it?

MURMAN: Well, it certainly can. I mean, I told you the name of the drag queen in Nebraska that's reading to kids, Ms. Yuka Layme. And also--

DeBOER: So what if--

MURMAN: --reading books, you know, about the hips go swish, swish, swish instead of the bus wheels go round and round. I'm not sure to very young children if that is a good thing to--

DeBOER: So if I said that about-- if I wrote a book about a woman and said her hips go swish, swish, swish would that-- that wouldn't be in violation of your bill.

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MURMAN: I would have to know further con-- you know, context for that.

DeBOER: You know what I mean? Like, so you're only banning the people who were in drag while they did that, not individuals who were not. So I could read the same story as someone in drag in exactly all the same context, except for what was being worn and it would-- it would change whether or not someone was liable under your bill?

MURMAN: Let me read again what the drag queen story, our Nebraska drag queens reading stories to children in libraries, schools and bookstores--

DeBOER: So--

MURMAN: --play of the gender fluidity of childhood and gives kids glamorous, positive, and unabashedly queer role models. I'm not sure appealing to the gender fluidity of childhood is something that we want to do.

DeBOER: But-- but it wouldn't be illegal under your bill if it was done by me, a cisgendered female. It would be illegal if it was done by someone who is drag.

MURMAN: No, it would still be illegal. If you're trying to confuse children on their sexual identity.

DeBOER: It wouldn't be [INAUDIBLE].

MURMAN: I think that could be-- that would be grooming and that would be-- that would be illegal.

DeBOER: Well, then we don't need the bill because then it would already be illegal under grooming.

MURMAN: Well, this bill will even-- even make it more clear.

DeBOER: So if a person appears in drag in a Shakespearean play, would that be within your bill?

MURMAN: No.

DeBOER: There's a play I was in in college called A Funny Thing Happened on the Way to the Forum. I don't expect you to know it. It's not a well-known play, but part of the play is it's-- it's one of those like everything's supposed to be funny. And so there's like

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three people dressed as the same person. Two of them are men, and one of them is the person they're dressed as, which is a woman. And they run around and she's a courtesan and it's a whole thing like that. Would that be illegal?

MURMAN: She's a what did you say?

DeBOER: Courtesan.

MURMAN: I'm not sure what that is I guess.

DeBOER: It's a-- like an old-fashioned prostitute, but like a, I don't know, like a courtesan.

MURMAN: And these are adults that are doing this?

DeBOER: Yeah, they're running around in their-- it's a merry mix-up, you know.

MURMAN: OK.

DeBOER: Would that be illegal under your bill?

MURMAN: It wouldn't be the play definitely wouldn't be illegal.

DeBOER: Well, that's one of the main themes of the play.

MURMAN: You know, if it was--

DeBOER: I mean, like, that very mix up of the people.

MURMAN: You know, I mean, if children were allowed and it was sexually illicit or adult entertainment, then that would not be allowed.

DeBOER: So here's what I'm trying to get at with you. If you are creating something that is illegal based on its period nature and it would be illegal already, then I don't know what we need the bill for. And if it is not illegal already but it is only illegal depending on what clothes one wears, I think there's probably a very big constitutional issue with that.

MURMAN: It's not dependent on what clothes they can wear-- they're wearing. But lack of clothing would definitely be part of the definition. So the same way that we don't allow children in strip clubs, it's a similar situation.

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DeBOER: So-- so you said you mentioned earlier the twerking was a problem. But I've been to a Nebraska football game, lots of children there. There are cheerleaders not wearing a lot of clothing twerking.

MURMAN: Well, I don't think it goes to the extreme. If you look up the Websites that I've passed around--

DeBOER: Well, but that may be. But--

MURMAN: --it doesn't go to that extreme so.

DeBOER: But you seem to be taking a lot more in than-- than you intend to then with this bill. This bill seems to be a lot bigger thing that it's taking in than-- than what you intend. But here's the question. If there was someone twerking that was cisgendered that was wearing clothing of their gender, and then there was someone who was in drag and they were doing the same behavior, your bill would make the people who were in drag illegal and the people who were not in drag not illegal.

MURMAN: No. It-- it depends on if it's a prurient sexual, illicit, sexual nature. So a lot of it would depend on how scantily clad they were dressed and that type of thing. So just similar to a strip club.

DeBOER: So you do not mean with your bill to make anything illegal just based on what someone's wearing.

MURMAN: Based on pardon?

DeBOER: What someone is wearing.

MURMAN: No.

DeBOER: You do not mean to make anything illegal based upon what someone's gender presentation is.

MURMAN: If-- it could be a contributing factor of they had explicit genitalia--

DeBOER: But.

MURMAN: --on their outfit, something like that.

DeBOER: But would it matter if there was explicit genitalia on someone who is presenting as the same gender as what they were assigned at

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birth, or if they were presenting as a different gender than what they were assigned at birth? Would you treat those two differently?

MURMAN: No, the gender wouldn't make any difference.

DeBOER: So the gender-- so, so you do not mean to criminalize drag, but sexual explicitness?

MURMAN: Yeah. Not, not drag by itself, but it, it depends on, you know, like I said, the genitalia-- how it's expressed, the lack of clothing, the prurient nature, sexual-- how illicit sexually it is, all those kinds of things.

DeBOER: So then really, you should take all the references to drag out and say anything that is of prurient nature that children are at.

MURMAN: Yes, I'm trying to protect children. That's very true.

DeBOER: So--

MURMAN: I'm not making drag illegal--

DeBOER: So you don't--

MURMAN: --just trying to protect children.

DeBOER: --actually want to do anything to do with drag. You just want to make, in your bill, those of a prurient nature. Anyone; me, you, anybody dressed whatever presentation they want to dress in, you want to make anything that is of a prurient nature illegal to have around children.

MURMAN: Yes, I'm fine with that.

DeBOER: OK, so this is not a drag bill.

MURMAN: Well, drag can be a contributing factor because you dress different-- differently in drag. So you may express genitalia differently than you would--

DeBOER: But that--

MURMAN: --if you're cisgender.

DeBOER: But if I express my genitalia now as a female, that would be problematic and prurient--

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MURMAN: Yes, it would.

DeBOER: --around children. So it's not about the drag, it's about the genitalia in that case.

MURMAN: That's true.

DeBOER: OK. So this is not a drag bill. You're not making a bill about-- you do not--

MURMAN: Well, it's not all about drag.

DeBOER: --you do not intend to make the bill about drag.

MURMAN: It's not all about drag, that's true.

DeBOER: All right, thank you.

WAYNE: Any other, any other questions? Senator Blood.

BLOOD: Thank you, Chair Wayne. I have a couple follow-ups. I'll try to make it quick because I know we eventually want to go home. When you say how genitalia is expressed, I don't understand what you're just saying to me. Are you saying they're not saying penis, vagina, vulva [INAUDIBLE]? What are they not saying?

MURMAN: That would all qualify. That's true.

BLOOD: Anatomically correct words would qualify? Penis, vagina, breast?

MURMAN: If you're expressing those in front of children, yes, that would qualify.

BLOOD: Do you know that if a child does not learn the correct anatomically that they are more likely to be sexually assaulted as an, as a child because they can't express to an adult the body parts that they have?

MURMAN: Excuse me, if a, if a child is not addressed--

BLOOD: If a child does not understand the correct names for its anatomy, for their anatomy, that they are more likely, statistically, to be a victim of sexual assault and not be able to get help from an adult because they cannot express to the adult--

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MURMAN: Well, nothing in this--

BLOOD: --what happened to them?

MURMAN: Nothing in this bill that talks about how a child identifies--

BLOOD: You literally just said--

MURMAN: --genitalia.

BLOOD: --that that was one of the things that would make it a bad thing, how genitalia is expressed. And you just said to me that words like penis, vagina, breast are dirty words.

MURMAN: I'm saying if the adult was expressing those things in front of a child in a sexually explicit way, yes that--

BLOOD: Can you give me an example of that?

MURMAN: Look at the websites that I passed out.

BLOOD: I'm not going to keep looking at the website. I want you to tell me--

MURMAN: OK.

BLOOD: --what an example of that would be.

MURMAN: OK, a person saying very sexual things in front of children--

BLOOD: Give me an example.

MURMAN: --at a drag show or not at a drag show-- it could be the strip show, it could be at a drag show.

BLOOD: Give me an example.

MURMAN: I'm not going to repeat what's on the website there.

BLOOD: I'm not asking you to repeat what's on the website.

MURMAN: Well, that's the example--

BLOOD: You, you have--

MURMAN: --I'm thinking of right now, but I don't want to say it. It's on the website.

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BLOOD: So it's only what's on the website. Nothing that you can verify that, that can be said that is insulting or sexual--

MURMAN: Well, if a person had extremely large breasts or a penis exposed, you know, fake or whatever--

BLOOD: You believe they're, they're exposing--

MURMAN: --in front of children and--

BLOOD: --genitalia in front of children?

MURMAN: --dancing provocatively, that would qualify.

BLOOD: I have never seen a penis or a breast come out during any drag show I've ever been at. And with all due respect, if they are bountiful, they have the right to show their cleavage. Are you-- is it the cleavage that you're worried about?

MURMAN: Or if they talk inappropriately. I, I can just refer you to the websites that--

BLOOD: I, I need--

MURMAN: It's all on those websites.

BLOOD: --hear from you because you wrote the bill. What about The Vagina Monologues? Would you think that that's appropriate?

MURMAN: The--

BLOOD: Vagina Monologues. It's a famous play.

MURMAN: It'd be appropriate for-- inappropriate for children.

BLOOD: In what way?

MURMAN: Well, at least I have-- I don't know if I've seen the whole show, but I've seen parts of it--

BLOOD: Well, it's different every time you see it.

MURMAN: --on social media. But that-- what I've seen would not be appropriate for children.

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BLOOD: What part of The Vagina, Vagina Monologues do you feel is offensive?

MURMAN: I just think the language that's used to and-- yeah, just just the whole sexual content of it. It's not appropriate for children.

BLOOD: Can you define-- this will be my last question-- define, because you've used the term several times, gender fluidity? What does that mean? Because you-- that's--

MURMAN: That--

BLOOD: --one of the concerns you have.

MURMAN: That would mean that you could change your gender from a certain time to a separate certain time--

BLOOD: Is that--

MURMAN: --day to day, hour to hour--

BLOOD: Is that what it means for a child--

MURMAN: --some time during your lifetime, that type of--

BLOOD: So you're saying that's what it means when you're a child?

MURMAN: Well, a child should be encouraged to celebrate the gender that they were born with and not encouraged to be confused about what gender they are.

BLOOD: So when a child has all sisters and they play dress up and the little boy gets to dress up like a princess, that would be a bad thing?

MURMAN: No.

BLOOD: Or when the, the sisters decide they're going to paint their nails and Bobby wants to paint his toenails, that would be a bad thing?

MURMAN: No.

BLOOD: So when kids are little, little, they don't always think about I'm a boy or a girl. And that's part of what gender fluidity is about, you know that, right?

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MURMAN: Yes.

BLOOD: All right, thank you.

MURMAN: If you intentionally tried to confuse them, that would qualify.

BLOOD: That is not-- that, that's not what we're talking about, so thank you.

MURMAN: Well, that's what the reference in the drag queen story hour Nebraska referred to.

BLOOD: All right, thank you.

DeBOER: Are there other questions from the committee? Senator Murman, are you going to stick around to close?

MURMAN: Yes, I will.

DeBOER: All right, thank you.

MURMAN: Yep, thank you.

DeBOER: We'll take our first proponent.

PATRICK PETERSON: Good afternoon, Senators. Patrick Peterson, P-a-t-r-i-c-k P-e-t-e-r-s-o-n. It's really unfortunate that the Chair isn't here any longer because he was very concerned about the interruptions that were taking place in the previous bill that was discussed. But just now, we saw very clearly that Senator Murman wasn't even able to answer questions. He was continually faced with interjections and badgering from Senator DeBoer and Senator Blood. It's really interesting-- if we could, you know, turn the cameras around and point the cameras at how fervently Senator DeBoer and Senator Blood were taking notes while Senator Murman was giving his opening remarks, that it was obviously a concerted effort to lace their line of questioning towards him with gotcha questions. It was really, really just disrespectful. And obviously, decorum is totally out of the building now. I'm not sure what Senator DeBoer and Senator Blood are conferring on right now at this point. Another thing that I thought was ridiculous was David Bowie's music, his intent-- as a fan-- was never to spread queer pedagogy. So just what a ridiculous question that was to bring up. This was just an impromptu testimony. I was just taking notes as you were again badgering Senator Murman for

presenting his bill. Senator Blood, I think you know what adult entertainment is so it's pretty funny when you are only asking questions just to make an example of the senator who's presenting his bill. You know, you guys are so big on word traps just to simply twist things. It was very evident what you were doing. And so obviously, testifiers come here to present more information on bills. And I think you're both capable of extrapolating that information, but that's not what you're here to do, obviously. And so thank you for your time. I just think it's ridiculous the disrespect that you showed towards the senator introducing LB371, but then you expect some sort of respect on the, on the other end. It's, it's total hypocrisy. It's really pathetic.

DeBOER: Are there any questions for this testifier? I don't see any, but thank you for being here. We'll have our next proponent, please.

AMBER PARKER: A-- A-m-b-e-r P-a-r-k-e-r. Wow. What a hearing: from obscene exemption, Senator Blood, Senator DeBoer fighting against protecting children's innocence, everything of the distraction to stay away from saying that the separation of children and adults. And that's not even-- you're removing it. No wonder people are trying to legalize having-- have sex and lowering that age of consent. We're witnessing the very foundation of it here in this hearing today. According to Fox News: judge who had a drag queen story hour sponsor arrested on child porn charges. Again, judge who had a drag queen story hour sponsor arrested on child porn charges. Judge Brett Blomme, B-l-o-m-m-e, 38, was arrested and charged with seven counts of child pornography possession. Judge Brett Blomme, 38, was arrested and charged with seven counts of child pornography possession, according to the Milwaukee Journal Sentinel. He is accused of uploading 27 videos and pictures of child sexual abuse to the messaging app KiK under the name dommaterbb. Each count against Blomme carries with it a minimum sentence of three years, with the potential for up to 15 years with a decade of supervised release with seven counts charged against him. Blomme is looking at a minimum of 21 years in prison should he be convicted. Blomme was also former president for the Cream City Foundation, an LGBTQ advocacy group in Wisconsin that advertised for DQSH events. It was sponsored as well as husband and adoptive father of two children. Blomme listed his presidency with the Cream City Foundation on his LinkedIn profile. You need to protect children and we're going to hold you accountable. And what's interesting, you're asking Senator Murman and Senator Blood, you don't even want to watch the video so how is the proof shown? And that's what you guys are hiding behind and using as an excuse. One of the drag queens a few

years ago laid a child on top of them. That was national news. Dollar dances. And my question, if they don't have bottom surgery, something out, man or woman, and they're exposing themselves to children and doing inappropriate sexual exploitation, there should be accountable-- accountability. Our law enforcement, our police should come and arrest them. And that's what needs to be clear in the State Legislature. You guys are misinforming many of your constituents, even pertaining to when it comes to children's surgeries. And as your fights on the floor are and it's a disservice-- it's more than a disservice. It's destruction to their lives.

WAYNE: Thank you for your testimony.

AMBER PARKER: Thank you.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. And I was-- when I step out, I actually turn on my phone and listen to the hearings. But I do have a committee to run and I have to figure out how many people are still out there. And if I'm going to go to the hour-and-hour rule-- and that's why I stepped out. So if anybody has a question about why I stepped out, I do have to make sure this hearing gets done and get an orderly fashion. Next, pro-- proponent. Welcome back.

LINDA VERMOOTEN: Thank you.

WAYNE: That's two days in a row. I've seen you at multiple hearings. We're starting to, like, become one big family. Go ahead.

LINDA VERMOOTEN: Linda, L-i-n-d-a V-e-r-m-o-o-t-e-n. I think the point of what Senator Muman was trying to do with this bill is protect our children from adult entertainment. The drag queen organization, in their own definition, says that it is adult entertainment. So I think that answers all the questions. If it's adult entertainment, then children should not be present. There are laws in this state that ban children from working in certain places because it's an adult entertainment place. They're not even to be present in these institutions, in these places. So I think when it comes to a drag queen show, that is adult entertainment and so that means anyone under 19 should not be present. Once you are 19, you are considered an adult in our state of Nebraska so you can choose to go and engage in whatever entertainment you wish to. It is incumbent upon us as the adults to make sure that our children are protected as possible-- as much as possible. They have a very vulnerable mind. We have talked

about the fluidity of gender. Piaget talked a lot about that and when he talks about human growth and development, how sometimes boys think they're girls and girls think they are boys. But it's not in the way that it is portrayed in our modern era. It's just a phase that they go through. They think, oh, girls, yuck, they want nothing to do with girls. That doesn't mean they like boys and they want to be with boys or vice versa. It's a period that they pass through in their exploration. However, in our modern era, we kind of sexualize everything and say, well, that's who you are. This notion that we selectively assign a gender at birth. Well, we don't assign a gender because it's clear from a cellular level. It's not just your genitalia; on a cellular level, on your chromosome, on your musculature, on your brain structure. There's clearly a difference between male and female. And we have to make sure that the role models that we are putting before the children is a good role model and not a role model that's going to confuse them. And when we're saying-- the implication by some of the debate that was going on with the former-- with the senator as he was testifying is implying that it's OK to have this debate with children present. That's only going to confuse them. It's going to lead to anxiety. Potentially, it's going to lead to depression. It can also cause them to have social anxiety, which is not a good thing for the child. So I believe that our statutes define what is harmful. And if you look at the sexualisation and appearance of the gender and the overemphasis of certain genitalia in these shows, that it would be inappropriate for children.

WAYNE: Thank you for your testimony. Any questions from the committee? Do you have any-- I know you were reading. Do you have any final-- like, wrap-up final thoughts real quick?

LINDA VERMOOTEN: Sir?

WAYNE: Do you have any-- I cut you off and I was seeing if you had any last final thoughts. I'm giving you a--

LINDA VERMOOTEN: I was just going to say that we have-- there is damage that's been done to the children if they're exposed to this. And I just think we need to prevent them from being involved in this until they're adults. Thank you very much--

WAYNE: Thank you.

LINDA VERMOOTEN: --for the time--

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WAYNE: Any questions?

LINDA VERMOOTEN: --senators.

WAYNE: Thank you for being here. Next proponent.

ANGIE EBERSPACHER: Good evening. I was here earlier. My name is Angie Eberspacher, A-n-g-i-e E-b-e-r-s-p-a-c-h-e-r. I'm here in support of LB371. There are many people who will argue that drag shows and drag queen story hour are entertainment events. I argue that they are used for indoctrination. The drag queen show philosophy doesn't like the idea of childhood innocence and they want to initiate children into the world of queerness. They want to teach children to be transgressive against heteronormative society. They are teaching a simplified version of queer theory. It is a coordinated nationwide, state-by-state playbook to infiltrate and subvert children. They are indoctrinating and grooming our children. Drag Queen Little Miss Hot Mess, a.k.a. College Professor Harris Kornstein, and a board member of Drag Queen Story Hour proposed a new teaching method called drag pedagogy as a way of stimulating the queer imagination, teaching kids how to live queerly and bringing queer ways of knowing and being into the education of young children. As Kornstein explains, this is an intellectual and political project that requires drag queens and activists to work toward undermining traditional notions of sexuality, replacing the biological family with the ideal-- ideological family and arousing transgressive sexual desires in young children. The purpose of what they call drag pedagogy, or the pedagogy of desire, is about reformulating children's relationship with sex, sexuality and eroticism. They litter their paper with sexualized language and double entendres, blurring the lines between adult sexuality and childhood innocence. It's not just innocent entertainment. Look up Libs of TikTok. Watch their videos of drag queens dancing provocatively in front of children. The children they encouraged to give the drag queen performance, they're giving them dollar bills to hand to these drag queens dancing in front of their faces like men give money to strippers. This is not porn. This is on the news. It's not entertainment. After watching the interrogation of Senator Murman, Senator DeBoer and Senator Blood have proved my theory that no one can discriminate against anyone or anything or even have a discussion to protect innocent children. We can thank postmodernism and wokeness for this. Protection dialogue now means discriminate. Queer theory is here. It's creeping into our schools. It's creeping into our children's museums. It's creeping into our children's hospitals. We

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must recognize the difference between adult sexuality and childhood innocence. Stop twerking our kids. Thank you.

WAYNE: Thank you. Any questions from the committee? Thank you for being here today. Next proponent. Welcome to your Judiciary.

KEELY PAGEL: Hi, my name is Keely Pagel. It's spelled K-e-e-l-y, Pagel is P-a-g-e-l. I waited for some time out in the hallway with a group of people I'm sure you'll hear from opposing the bill and I'm here to speak for a group of people that I don't feel is as represented today. I care deeply for children. I appreciated your point, Senator Blood, about children needing to know what the accurate terms are for their genitalia because it does protect them so that they can communicate. I can tell you care about children as well. I'm a children's pastor and I'm a mother and the reason I came is because I care about children. Gavin de Becker, bestselling author of *The Gift of Fear*, said children require protection of adults usually from adults. Their fear of people is not yet developed and their intuition not yet loaded with enough information and experience to keep them from harm. Before the 20th century, children were viewed as miniature adults, but today we know that children are emotionally and intellectually distinct from adults. We need to ask what is the end goal of exposing children to drag? To promote the healthy development of children or to further the ambitions of adults who seek to debase a cultural norm? Children are not tools for social engineering. In a child custody suit, the two parents can fall into the trap of wanting what is best for themselves., but family courts operate under the principle of ruling in the best interests of the child, which is the same stance we need to take here. Evidence of sexually explicit nature of drag performances is not difficult to find. At these events, children have been exposed to overt displays of adult sexuality and inappropriate touch and we cannot give drag queens a pass on these behaviors simply because they are entertaining. Would we allow a free-- female stripper to perform similarly for children in the guise of education or exploring her own identity? I'm not suggesting that all drag queens are intentionally trying to harm children. Many adults have trouble distinguishing their needs from those of a child. A child doesn't understand drag in the same way as an adult. Adult forms of entertainment often create confusion and anxiety for children. Think of how you felt as a child when you were the only one who didn't get the joke. Children do not have the capacity or the frame of reference to process experiences like adults do. And while behaviors associated with drag may be considered acceptable in adult-only venues, these same behaviors are often listed as grooming techniques by child

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advocacy organizations. For example, touching a child in the parent's presence leads the child to believe that the parents approve of strangers touching the child. Exposure to adult sexuality desensitizes the child to healthy sexual boundaries. And although children are the primary targets, parents are susceptible to manipulation as well. Parents who want to be seen as open minded may inadvertently put their child at risk. Most of life's decisions can be reduced to a comparison of cost versus risk. Drag as a genre, which is what this bill is about-- it's outlined that drag shows in the presence of 19 years old and younger as a genre. They have very little benefit to children when compared to the risk involved. The risks are too high, the risk of a healthy development for our children. And I am asking that this committee send this bill to the floor so our representatives can debate the issues surrounding drag performances and how it impacts children. In addition to supporting this bill, I stand in opposition--

WAYNE: Thank you for your time.

KEELY PAGEL: --to Hunt's amendments.

WAYNE: Thank you for your time. You have-- how many-- you got one sentence left, two?

KEELY PAGEL: I would just say that--

WAYNE: Give me, give me a one--

KEELY PAGEL: --I stand as a-- opposition to AM204 about her candy bill. It's a very flippant joke and I would just ask everyone to take the developing minds of our children very seriously. Thank you.

WAYNE: Any-- woah, there might be a question, maybe not. Any questions from the committee? Seeing none, thank you for being here.

KEELY PAGEL: Thank you so much.

WAYNE: Next proponent. Welcome.

MERLYN BARTELS: Thank you, Senator Wayne. Good afternoon. I'm here just to speak as a proponent because you got a whole line of opponents out there and I just wanted to be on the record as a proponent. I would also like to state that I agree with the first testifier that these two senators was disrespectful to the introducer of this bill. I've sat through a lot of these committee hearings and when-- the Chairmen of these committees, they always go through the list of being

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respectful and all the testifiers and not to make comments in the background and stuff. And just because you don't agree with them, you should still show respect. That's what we're asked to do as testifiers. And I think they both were just needling the senator on this and were disrespectful. So I just was going to add that, but I guess my main concern is with the drag artists to be invited to storytimes in our schools and our libraries. And with that activity, our tax dollars are paying for them. And I guess the other concern I have is why can't they just read a story to the children there without having to be dressed up in costume? Unless the costume would be specific to that story that they were reading. Why do they have to dress up as something different than what they are, are biologically born? And I guess with that, I guess, again, thank you for your time.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here today.

MERLYN BARTELS: Thank you.

WAYNE: Next proponent. Next proponent. All right. We-- we're going to take a short recess of about three minutes to allow the room to clear and allow opponents to come in.

[BREAK]

WAYNE: For those, for those who are watching in the other room, if you are planning on testifying, I'm going to ask you to come down now so, so I can get a number here in the next two minutes if there's anybody else in the room down there. Otherwise-- is there anybody else in that room?

_____: No, Senator. I think some people may have brought signs in. We, we didn't [INAUDIBLE]--

WAYNE: No. Yeah, if you, if you put up a sign, I'm going to ask you to leave. I'm just-- I'm, I'm firm about it. I already asked somebody else to leave earlier. There's no props and I consider a sign a prop.

_____: Thank you.

WAYNE: And don't worry, I consider open carry a prop so that's just how it goes. But if anybody's down the hallway, before we start, I just want to make sure-- because then I'll just keep everybody in here. And if you want to leave, you can leave, but I don't have to keep opening and closing the door and delaying. So I'm going to give

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everybody about two minutes to walk down here. We're full. There's, like, ten people versus two people. All right, everybody have a blue testifier sheet? All right, so-- we're on record?

ANGENITA PIERRE-LOUIS: Yep.

WAYNE: All right, we're going to, we're going to do a little, little reminder. There's three minutes. We're using a light system. It will be green testifying. When it turns yellow, you have one minute left. When it turns red, if you haven't been watching, I cut people off. I just-- that way I make sure everybody gets the same and I'm not taking-- somebody can accuse me of listening to one side more or whatever. Second thing is because it doesn't seem like there's any other testifiers, we're just going to call people up or have people come up. We'll start with the first row. We'll go row by row. It might be a little discombobulated, but let's keep-- so it's a little faster, we can just go row by row. So we'll start here and work our way down and we'll zigzag. We'll do the X. Let's just do that. Make it more complicated than I need it to be. And then three minutes-- said all that already. No props. Silence phones, pagers, whatever. We got pagers here? I don't know. All right, so-- oh, because it's a big crowd, I'm going to reinforce if somebody testifies and they make a really good point, as much as you want to clap and all that, I will ask you to leave. This is everybody's fair warning in the beginning. We're gonna try to keep this moving and keep it simple and make sure everybody's got their opportunity. You guys have been-- I didn't say you guys as in guys, I'm just going with me-- just hear me out before you get mad. You all got three minutes. I want to make sure everybody's heard. I want to make sure everybody's voice is heard. And any questions, I want the committee to feel free to ask without worrying about time. So we're all in agreement? Everybody give me a nod. I feel like we in church. All right, even I don't go to church. Let's go. Everybody go. First person. Sometimes I go to church, I don't know. I got my kids that play basketball. We got games at 11:00.

ELLE CONGER: Yes. Hello. My name is Elle Conger, E-l-l-e C-o-n-g-e-r. Ladies and gentlemen, distinguished members of the Legislature and everyone in between, my name is Elle. I'm a proud Nebraskan wife of a marine combat veteran and public school teacher. I sound like a conservative poster child, but I'm also a trans woman and legendary local drag queen, if I do say so myself. That conservative poster child is slowly morphing into Senator Murman's nightmare. But I'm not your boogeyman, sir. But you are mine. Under the terms of LB371, individuals with a gender identity that is different than the gender

assigned at birth who sings, lip syncs, reads books before a live audience for entertainment or education purposes would be criminalized. As a trans woman who teaches high school English, reads books to her classes, provides daily educational lessons, my job, my livelihood, my existence could soon become a crime in the state, a Class I misdemeanor. Now Miss Demeanor is a fabulous drag name, but that shouldn't be a punishment for drag queen story hour. There's no gay agenda or indoctrination of your kids. I'm literally teaching Romeo and Juliet right now, the straightest love story in history. Nebraska has been my home for over 20 years. I love this state. Despite being a trans person in a conservative space, I've always felt like everyone was entitled to the good life. What happened to the conservative live and let live mentality? Instead of focusing on ways to keep young talent in our state, you're too busy making queer Nebraskans into the scary monster in the closet. Well, sir, I'm out of the closet and I'm not afraid of you anymore. I am not afraid of you. I'm not afraid and I'm not going to flee seeking refuge into a blue state. I will not cower in fear about who I am any longer. I would never tell any parent that they could not take their child to church on Sunday. So what gives you the right to tell Nebraskan parents they can't bring their child to a Sunday drag brunch? I promise you my Cher impersonation is nothing to fear. So stop turning back time on our civil rights. Start believing in equity and equality. For long, I've been too scared to say this, but I'm strong enough to proudly say that I'm a trans woman, a drag queen, and an amazing teacher. It's LB371 and Senator Murman that, that's the real drag. So snap out of it, Nebraska. Since our state's Inception, our flag says equality before the law. Think about that next time you put hateful legislation. I shouldn't have to teach you that. Now, if you'll excuse me, I have to go back to class.

WAYNE: Thank you. We're not going to do snapping or I'm asking people to leave. I'm trying to be-- this is-- I mean, obviously, this is a very serious topic and we need to take it seriously. Trust me, I wanted to bring my open sign and have fun and do a whole drag queen show, but we're not going to do that, right? We're going to be serious about this bill because it affects people's lives so please respect that. Next person, please. Thank you for coming.

KATIE KILIAN: Hello. My name is Katie Kilian. That's K-a-t-i-e K-i-l-i-a-n. Please rise for our national anthem. Oh, say, can you see, by the dawn's early light, What so proudly we hail'd at the twilight's last gleaming, Whose broad stripes and bright stars through the perilous fight, O'er the ramparts we watch'd were so gallantly

streaming, And the rocket's red glare, the bombs bursting in air, Gave proof through the night that our flag was still there, O say does that star-spangled banner yet wave, O'er land of the free and the home of the brave. Thank you. It's an honor to perform our national anthem for my state senators. Under LB371, my performance just now would be illegal. The bill defines a drag show as anything where the main aspect of the performance is a performer which exhibits a gender identity different than the performer's gender assigned at birth using clothing, makeup or any other physical markers and the performer sings, lip syncs, dances, or otherwise performs before an audience for entertainment. I'm a trans-- excuse me, I'm a trans woman, not a drag performer, but the bill applies to what I just did. I'm wearing a dress, makeup, a woman's hairstyle. I'm exhibiting a gender identity different than the one I was assigned at birth. The premise of this bill seems to be that queer people and our performances are inherently sexual and a danger to children. But the whole point of something like drag queen story hour is to demonstrate that queer culture is not inherently sexual. My performance of The Star-Spangled Banner wasn't a lewd act, but LB371 would treat it like one. What this bill will do is make it harder for kids to find positive representations of gender-nonconforming people. It'll force visibly queer people out of public spaces; drag performers, yes, but also trans and nonbinary people and butch lesbians. Kids shouldn't have to grow up feeling it's shameful to be queer. Our art and our culture are not inherently sexual and our bodies are not lewd. Please oppose LB371. Thank you for your time.

WAYNE: Any questions from the committee? Seeing none, thank you for being here today. Next opponent.

DYLAN SEAMAN: Good afternoon, committee. My name is Dylan Seaman. That's D-y-l-a-n S-e-a-m-a-n, and I'm from Lincoln, Nebraska. I'm here today asking this committee to not let LB371 advance. LB371 would give broad authority to criminalize trans and gender-nonconforming people in our state. As a parent and a transgender woman, I fear that this bill would put me at risk of being criminalized and potentially losing my child. If this bill were to go into effect, I feel like I would have no other option but to leave the state where I was born, raised and continue to call home. This bill will do nothing to protect children from the many dangers that they face today from school shootings, sexual abuse and hunger and housing instability. As a parent, I try to take every precaution to ensure my child's safety, but drag performances are not inherently harmful to children. Like any life performance or form of media, drag can be family friendly or

adult oriented. It is not unique in this regard. It is the responsibility of venues, performers and parents to ensure that-- to ensure children are not subjected to inappropriate content. The broad and subjective nature of this bill would label myself and other members of the LGBTQIA community as inherently dangerous to children. Any act in public that could be considered a performance could lead to criminal charges for myself and other trans and gender-nonconforming people. What does that mean for me as a parent? Would I be able to sing in the car with my child, dance in the living room, have puppet shows or even read her bedtime story? These acts could be seen as inappropriate and criminal under this bill. The rhetoric and hate surrounding this bill and others like it inspire violence against the LGBTQIA community. We all remember what happened in Colorado Springs last year and only a few months ago, a trans woman and drag performer were brutally attacked in Omaha. Every day we see stories of violent attacks on our community and here calls for our outright elimination and the politicians and pundits who are pushing these bills are responsible for this violence. This bill would further marginalize vulnerable communities here in Nebraska and would violate our First Amendment rights to speech and self-expression. The only thing I ask you is that if you think that this bill or any others like it are necessary, that you meet with our community. Come to one of our spaces. Attend one of our events. Hell, even go to a drag show or even just have a cup of coffee with one of us. I ask that you get to know us, learn our names, faces and our stories. I'm asking you to do what is right for all Nebraskans and vote no on LB371. Thank you.

WAYNE: Any other-- any questions from the committee? Seeing none, thank you for being here.

DYLAN SEAMAN: Thank you.

WAYNE: Next opponent.

GRETCHEN ARROYO: Good afternoon. I am Gretchen Arroyo, G-r-e-t-c-h-e-n A-r-r-o-y-o, and I'm the president of Star City Pride. We are the local Lincoln-area Pride and parade and we oppose LB371. We started modestly in 2008 with a couple-hundred attendees from the LGBTQ+ community coming together in the parking lot of our favorite local gay bar to celebrate our individuality and authentic selves in a safe environment. Since that time, we have grown to a multiday, regionally recognized pride festival, attracting 4,000-plus attendees. I am here today to talk about the financial impact LB371 would have on our festival and specifically the financial impact to the city and state

of Nebraska-- to the city of Lincoln and the state of Nebraska. Leaving all of my personal feelings about this bill aside, I come to you with facts and figures that should sway you to see what a negative impact this bill would have, not only for Star City Pride Festival and Parade, but for area businesses, the travel and tourism industry and for the city in general. The drag community of entertainers is an integral part of Star City Pride and frankly, what makes our festival a success year after year. Having this immensely talented group of individuals who brave the heat year after year, long hours and tight entertainment schedule to bring their artistic expression to the outdoor stage each year is what draws so many attendees to the Lincoln market to celebrate with us year after year in a safe environment. Star City Pride simply could not, nor would we ever want to exist without our local and regional drag family. Now let's get to the financial facts. In 2022, we as a festival and parade generated \$199,924 in expenses and revenue to the local Lincoln economy. With 25 percent of our almost 4,000 attendees coming from out of town, that does not include the amount these out-of-town attendees spend on parking in city lots, food, lodging, gas, incidentals, etcetera. In 2023, we expect over 4,500 attendees during pride weekend. We expect to generate \$271,859 for the local Lincoln economy just in Pride Festival and parade expenses and business revenue alone. Again, this does not include travel and tourism revenue. If LB371 was passed, there would be no way that we could effectively or economically afford to effectively police the entire perimeter of our outdoor lot, put up enough visual blockades-- blockade-- blocks to our outdoor stage to hide the performances by our drag entertainers. The festival would cease to exist as we know it and all of that money that is generated for the local economy will be lost. But most importantly, we would alienate a huge part of our already marginalized and persecuted community. I implore you to consider the amount of money spent in Lincoln and the other markets during pride weekends. You stand to lose--

WAYNE: Thank you for your testimony.

GRETCHEN ARROYO: Thank you.

WAYNE: Any questions from the committee? I know-- I saw you practice-- you had it at three minutes out there. You must have took a couple extra breaths in here. So I'm gonna let you, I'm gonna let you finish that last sentence. I saw you practicing out there.

GRETCHEN ARROYO: We as a-- sorry.

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WAYNE: You're all right, you're all right.

GRETCHEN ARROYO: We as a community are transported back to a time and place where it was OK to persecute our marginalized LGBTQIA+ community. We wholeheartedly oppose LB371. Thank you.

WAYNE: Thank you. See, it's easier when you practice than when you-- yeah, I, I understand. Any questions from the committee? Seeing none, thank you for being here. Next opponent. Welcome.

WES STALEY: Hi, my name is Wes Staley, W-e-s S-t-a-l-e-y. When LB371 was first introduced back in January, I laughed. It felt like a joke. The language and intent of the bill is so cartoonishly unconstitutional in direct violation of First Amendment rights that I thought, surely there is no way that this will go anywhere. Surely it won't even reach committee. Yet here we are two months later with over 425 anti-trans and anti-drag bills in legislatures in nearly every state in this country, many of those bills have been passing into law. I am part of the LGBTQ+ community. I am part of the trans community. Many years ago, I was a drag performer. Drag performance gave me an opportunity to express not only my love of theater and the stage, but also to explore my own gender expression and identity through clothing, excessive makeup and other artificial physical markers, to quote the condescending language of this bill and proposed amendment. Now, let me be clear: not every drag performer is trans, nor does every trans person perform in drag. Drag is theater. Being trans is an unshakable core aspect of who you are, but there are overlaps in the community and bills such as this certainly will be used to criminalize trans people for existing because many people outside our community do not understand the difference. The goal of this bill and others like, i.e. LB574 and LB575, are all one in the same; that for the good of society, transgenderism must be eradicated from public life entirely, the whole preposterous ideology at every level. That is a direct quote from Michael. Knowles at the Conservative Political Action Conference earlier this month said on camera, on a stage in front of an audience and was met with enthusiastic applause. Members of the committee, when I tell you that we are at the precipice of genocide in this country, I do not exaggerate. I am not being dramatic. The legislative assault on my community's rights across this country is not about protecting children. It is not about protecting women in sports. It is about one thing and one thing only: the systematic destruction of an entire group of people, the eradication of us from public life. Genocide does not happen overnight. It is a slow boil and we are currently at a very distressing simmer. I ask each of you to think very seriously and very

hard about who you are as a person. What do you want to contribute to Nebraska's history, to this country's history? What do you want your legacy to be within your own family's future generations? Do you want to make people proud for standing up for what's right and helping an extremely vulnerable community who are in life-threatening danger? Or do you want to add to the stain of this country's history of hate and oppression and be someone your grandchildren don't like to talk about? The queer community has survived dark times before and we will survive dark times again, but I implore you to make the right decision. Be on the right side of history. Oppose LB371. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent.

ABBI SWATSWORTH: Thank you, Chairman Wayne and members of the Judiciary Committee. My name is Abbi Swatsworth, A-b-b-i S-w-a-t-s-w-o-r-t-h. I'm the executive director of OutNebraska, a statewide nonpartisan nonprofit working to celebrate and empower 67,000 LGBTQIA+ Nebraskans. OutNebraska opposes LB371. I know that many people misunderstand the bill. They find it ridiculous and laughable. They take it on its face value: simply a bill that seeks to punish parents for sharing the art of drag with their children, a bill that seeks to punish venues that host drag events if minors are present. The bill does do those things, but OutNebraska speaks today, and as we've heard, to call out the underlying intent of this bill: the erasure of the drag community, the erasure of transgender people. It's about alienating us from our communities so you see less of us and feel better about legislating hate against us. Senator Murman has admitted that he does not recognize the difference between a transgender person and a drag artist and so he wrote or borrowed a bill that is so broadly and poorly written that it can target transgender people simply for being in public life. This bill to-- seeks to punish small businesses that host drag story hour or other all-ages drag performances. Drag is art. It is free speech. Drag story hour is about kindness and empathy. And I would like to correct the record that our founding member of Drag Story Hour Nebraska does not list her entire drag name on the Drag Story Hour Nebraska website. I know this because I moderate that website and it is not present. She uses Mrs. Yuka and that is all. Drag is a community for families that want their children to explore their imagination and feel safe in expressing themselves. Across the country and in Nebraska, we are seeing acts of domestic terrorism aimed at venues, their staff and at the drag artists who read children's books to all-ages audiences. This bill emboldens hateful rhetoric and action from attacks online like

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doxing to bomb threats at venues and threats of violence at staff members' homes. This is unacceptable. No matter what we look like, where we come from or how we express our genders, we all want the freedom to be ourselves and to live safely in our communities. We expect our Legislature to honor this truth. We respectfully ask that you defeat this bill in committee and I'll ask any-- answer any questions to the best of my ability.

WAYNE: Senator DeBoer.

DeBOER: Thank you. Ms. Swatswo--

ABBI SWATSWORTH: That's OK.

DeBOER: --Swatsworth. It's hard to say quickly.

ABBI SWATSWORTH: It's a long name.

DeBOER: I don't know if you heard the proponent testimony or Senator Murman's opening, but there were a number of events he was describing that certainly did sound very explicit and sexual that he said were at a drag show. Does that happen at drag shows?

ABBI SWATSWORTH: Yes, if the audiences are adults. Because drag performers, like other performers, can target the audience they're serving. And sometimes drag is a little raunchy and pushes the edge. I did not hear exactly what Senator Murman offered in his opening, but sometimes we push the limits. But those are not shows where minors are present because again, as a performer, you perform to the audience in front of you.

DeBOER: And what would happen if a child came into one of those--

ABBI SWATSWORTH: Well, most--

DeBOER: --types of shows?

ABBI SWATSWORTH: --venues that host-- you know, adult drag venues are bars. And so it would matter on the bar's rules about how they card and allow minors to be present.

DeBOER: OK and what about the drag queen story hour? Is there any erotic material in that?

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ABBI SWATSWORTH: There has never been erotic material that I have been aware of. We read books about unicorns and kindness. We read books about honoring differences and accepting yourself for who you are. All of the Drag Queen Story Hour Nebraska readers are required to pass a background check and they cannot read for us without passing that background check as a part of our affiliate, Drag Story Hour Nebraska.

DeBOER: OK. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

ABBI SWATSWORTH: Thank you.

WAYNE: Next opponent.

JOHN COLEMAN: Chair, members of the committee, my name is John Coleman and I'm a legislative counsel at the Foundation for Individual Rights and Expression, also known as FIRE, a nonpartisan, nonprofit organization dedicated to defending freedom of speech. FIRE opposes this bill because its definition of drag show is unconstitutionally overbroad and because the bill unconstitutionally targets a particular viewpoint. First, a bill is overbroad if, in addition to whatever else it might legally prohibit, it significantly restricts protected First Amendment expression. Here, no nexus to sexual content is found in the bill's language. As currently written, the bill's definition is so broad that it would cover musical versions of Mrs. Doubtfire or Tootsie, as well as traditional Shakespearean performances and other entertainment simply for depicting nongender-conforming characters or where the characters are played by actors of the opposite sex. Broad definitions like the one found in this bill that do not distinguish between protected and unprotected forms of expression are unconstitutional. Second because expression where a performer in drag sings, lip syncs, dances or otherwise performs for an audience for entertainment is regulated in this bill and similar expression by performer, performers who conform to their gender assigned at birth remain unburdened. The bill unconstitutionally targets expression based on viewpoint. That is, it only targets gender-nonconforming performances. Third, the First Amendment protects the right of free expression and to host expressive events. Drag shows or sponsorships of them constitute protected, expressive conduct. The freedom of expression enshrined in the First Amendment, according to the Supreme Court in Texas v. Johnson, does not end at the spoken or written word. Conduct is considered expressive if it's intended to convey a

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particularized message likely to be understood by those who viewed it, even if it does not convey a narrow, succinctly articulable message. This principle protects not only art, theater and dance, but also acts such as saluting or refusing to salute a flag, wearing black armbands to protest war, deciding what groups to include in a private party's parade and participating in a sit-in. Regulating drag show beyond those that might include material that might meet the narrow definition of sexual expression that may be regulated violates the First Amendment by vastly overregulating and by discriminating based on viewpoint. Imposing criminal penalties on those that host protected content is unconstitutional. This committee should reject this bill.

WAYNE: Senator DeBoer.

DeBOER: Thank you. So are you familiar with Nebraska law? I didn't quite get where you were from.

JOHN COLEMAN: I'm based out of Philadelphia.

DeBOER: OK. Are you familiar with Nebraska law?

JOHN COLEMAN: Other than this bill? No.

DeBOER: OK. All right, thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. I'm at this weird spot where if I drink coffee, I ain't going to sleep tonight. Then it's weird. All right, we're going to mix it up and hop over here. Right here, two in the front row. Testifying? Oh, we'll go to the next person. Both can't keep pointing at each other. Somebody's got to come up. Thank you for coming and welcome to your Judiciary.

ALMA CERRETTA: My name is Alma Cerretta, A-l-m-a C-e-r-r-e-t-t-a, and I'm speaking today on behalf of myself and my business, Mana Games Cafe. We opened Mana Games in December '21 to create a safe and inclusive space for all types of people. We have had overwhelming support in Lincoln from people thanking us for simply existing. Since I'm an openly queer business owner, many LGBTQIA+ people have expressed that Mana Games is one of their favorite places in town. One thing that makes us different than other downtown businesses is that we are a completely dry venue and in fact, we're the only sober space that is regularly hosting drag performances. We are proud to hold an all-ages themed drag show that attracts young friends and old. I attended UNL and earned a BFA in theater design. As part of my

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education, we learned that cross-dressing and drag performances have been a part of theater and entertainment since the arts inception, when all characters are performed by men; yes, even Juliet, who kisses her Romeo on stage. There are two main points I want to make: one, that this bill is erroneously being attributed to keeping children safe; and two, that it is dangerous and discriminatory towards an extremely vulnerable population of Nebraskans. How many of you saw an R-rated movie before you were 17? Most, if not all, I would bet. The MPAA grants an R-rating to movies that contain graphic nudity, rape, extreme violence, drug abuse and torture. If you've ever enjoyed a Tarantino or Kubrick film, you have seen violence, nudity and sexual situations so over and above anything that happens at a drag show that it would be ridiculous to even compare the two. Today, you could choose to accompany your seven-year-old child to see Cocaine Bear at a Marcus Theater in which a man is dismembered and disemboweled by a bear on screen. Sorry for the spoilers. If a parent is allowed to make that choice for their seven-year-old, why shouldn't parents be able to preview the type of content-- in this case, some gorgeous dresses and some familiar pop songs-- and then decide if their theater-loving kids can come along? If you're outraged by minors at drag shows and you're not concerned about the types of films that children can see with a guardian, you're not worried about protecting children and your prejudice is showing. That brings me to my next point. Being transgender and performing drag are completely unrelated, but many trans and other queer folks find camaraderie in drag. It is not a secret that drag is being targeted by legislators like Senator Murman because it is a big part of our community, a community that you want to see silenced and hidden. As many of us have discussed with you this week already, trans youth are drastically more at risk than other children for self-harm, depression and anxiety. By placing a legal taboo on an art form that is not dangerous or harmful in the least, you're telling those kids that they are not welcome, that being LGBT is inherently not safe for children. If protecting children is your goal, start with the messages that you are forcing them to internalize, that their existence is pornographic, that adults like them are trying to harm kids. This rhetoric cycles back and back around in the public conscience. Aren't you tired of it? We aren't going away. We aren't going back into hiding. So find some courage to be part of the path forward instead of rereading unproductive and all-too-familiar ground. I appreciate your time and I hope you take my words into account. I'm a small business owner that loves this community we live in and I would like to be able to continue serving our citizens in the way that I have been. Thank you.

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WAYNE: Thank you. Any questions? Seeing none, thank you for being here. We'll stick on that side for a second. Yeah, go ahead. Then we're going to hop over to-- yeah, we'll go that way and then down. Go ahead.

ARTUR MELIKA: Hello everyone. My name is Artur Melika. I'm from Omaha and I oppose LB371 and other anti-queer legislation that has been introduced. I'm an immigrant. I'm a recent college graduate. First-generation--

WAYNE: I'll give you a lot more seconds, but you need to spell your name first.

ARTUR MELIKA: A-r-t-u-r M-e-l-i-k-a.

WAYNE: Go ahead.

ARTUR MELIKA: I'm an immigrant. I'm a recent college graduate. I'm queer, I'm a visual artist and drag is an extension of my art practice. I immigrated to the U.S. back in 2010 and as a queer child growing up in Ukraine, I remember being so excited to know that one day I will have the opportunity to come here. My parents decided to immigrate because they bought into the narrative of the infamous American Dream. They wanted me and my sister to have a future. I knew that the United States is a place where you're able to live freely and create your own path. In fact, my sister and I were so excited that we would play a game where we pretended to be American. We would speak to each other in gibberish, pretending like we were speaking English. I remember stepping off the plane and thinking, I've made it. This is the promised land, a utopia, a place where dreams come true. Unfortunately, over the last decade, I've watched this version of what America claims to be fall apart right in front of my very eyes. This utopia has turned into a dystopia in disguise. My inner child has one thing to say. He is disappointed. I'm disappointed that freedom of expression and freedom of speech, my First Amendment right, is under attack by this very government body. If I want to put on some pigmented powder around my eyes, glue more hair to my head and dance around in public like there's no tomorrow, I should be able to do so without the fear of prosecution. I'm disappointed in the fact that we have so many other issues at hand that need to be solved, but the oppression of an already marginalized community under the false veil of protecting children is your main concern. If you're really concerned with protecting the future of our children, why are we not prioritizing clean energy, access to clean food, education and

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housing? I'm disappointed that you're not doing your job. You were elected by the people to protect the interests of the people and I can say with confidence that what we are talking about here today is not what the people of Nebraska are mainly concerned with. I'm disappointed that this false rhetoric around LGBTQ+ people continues, my queer brothers and sisters and I will be criminalized for simply existing and will have to seek asylum elsewhere. I'm disappointed that I have to put my life on pause and come here and defend my existence because I do not have the privilege of sitting back and watching all this go down from afar. Here is a little insight into the queer agenda. We simply want to exist in peace. Before I go, I have one last thing to say. There's nothing inherently sexual about drag. Drag is art. Drag is infectious. Drag is love. We are all born naked and the rest is drag. Thank you.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

ARTUR MELIKA: Thanks.

WAYNE: And again, if you have to leave, but you are-- or you don't want to testify because maybe something was already said, the gold sheets are still outside. You can sign your name and your position and that will be listed in the official record. Go ahead.

GRAYE MUIR-LEWIS: Well, my name is Graye Muir Lewis, G-a-r-y-e [SIC] M-u-i-r-L-e-w-i-s. I'll keep this short because we're all tired of having to come down here for hours just to argue that we shouldn't be erased. I'm a trans woman. I was born in Nebraska and I've lived here my entire life. Beyond being a blatant violation of our civil rights, the very existence of this bill tells the queer community that they are not wanted. There is no epidemic of children being harmed at drag shows. Where's the parade of grown-up kids talking about how they were harmed? They don't exist. But what you will see here are queer people scared for their lives. This is another manufactured crisis made as a coordinated attack on anyone who doesn't fit in with a reactionary worldview. This is a vile act to other an entire segment of the state that is constantly under the threat of violence, both physical and legislative. I urge you to vote no on LB371.

WAYNE: Any questions from the committee? Thank you for being here. Next opponent. No, you cannot testify. You always testify.

JACOB CARMICHAEL: It's the last one. I got to.

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WAYNE: Welcome back.

JACOB CARMICHAEL: You didn't really think I'd let you off the hook after landlord day? Good afternoon, Chair Wayne and members of the Judiciary Committee. My name is Jacob Carmichael and I come in strong opposition and condemnation to LB371. J-a-c-o-b C-a-r-m-i-c-h-a-e-l. And I would just like to clarify I will be taking up the entirety of my time. I lived in New York for five years. I loved the West Village. I was surrounded by other queer people and by a lot of drag. The closest I've ever been to a pedophile: about two feet away in a confessional box when I was ten. Clergy with substantiated claims of sexual abuse or sexual misconduct with a minor. Allgaier, Robert, child pornography. Arkfeld, Richard, three victims. Benton, John, three victims. Buckson, John, one victim. Cleary, Donald, five victims. Copenhaver, John, multiple victims. Crowley, Clarence, seven victims. Deonise, Richard, one victim. Dunavan, Thomas, two victims. Dvorak, Franklin, three victims. Feeney, John, one victim. Fiala, John, seven victims. Finch, Joseph, one victim. Sorry. Florea, Michael, 15 victims. Gaughan, James, one victim. Gill, Edward, three victims. Glennon, Tom, one victim. Henry, Joseph, one victim. Henry, Patrick, six victims. Herek, Daniel, 43 victims. Ho, Joseph Hiepvan, one victim. Hrdlicka, Robert, multiple victims. Jordan, Emilio Morales, one victim. Kalin, Leonard, six victims. Kelly, Michael, one victim. Kenny, Daniel, multiple victims. Kruse, Jay, child pornography, multiple victims. Kulangara, Larry Toms, seven victims. Lukes, Duane, nine victims. Maresh, Mark, three victims. Marg-- Margand, Paul, five victims. McMahon, Aloysius, just three victims. Merkel, Mark, one victim. Murray, Jerome, nine victims. Nigli, Francis, three victims. I'm going to skip ahead. Drag queens with substantiating claims of sexual abuse or of sexual misconduct with a minor.

WAYNE: Any questions from the committee? As always, thank you for being here.

JACOB CARMICHAEL: Thank you.

WAYNE: Welcome.

MITCHELL DAFFER: Good evening.

WAYNE: Don't set--

MITCHELL DAFFER: My name is Mitchell--

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WAYNE: --your purse on the floor.

MITCHELL DAFFER: Oh.

WAYNE: In our culture, it's a sign of bad--

MITCHELL DAFFER: I know, I just-- you said no props earlier.

WAYNE: No, no. I just-- I understand no props--

MITCHELL DAFFER: I'm going to hang onto this though.

WAYNE: --but I don't want you having bad luck either.

MITCHELL DAFFER: No, no--

WAYNE: I've had a lot of props. I'm going--

MITCHELL DAFFER: OK.

WAYNE: --to let the purse sit there.

MITCHELL DAFFER: It's a purse. There's nothing in there.

WAYNE: OK.

MITCHELL DAFFER: Good evening. My name is Mitchell Daffer, M-i-t-c-h-e-l-l D-a-f-f-e-r, also known as Anita Bisquette. I have been a drag performer here in the state of Nebraska for almost 12 years. I am the current show director of Drag Yourself to Brunch at Caddy's Kitchen and Cocktails in Council Bluffs, where we do, on occasion, perform in front of children. I have performed at Wayne State College, performing in front of university students that are 18, 19, 20, 21, sometimes 22 year olds, and I have performed in countless prides and many all-ages drag shows. I sit here in opposition to this bill because of the children that I have seen at these shows. They come not knowing what's happening, but their parents want to have them experience what is out there in the world. It's not a perversion. It's not sick. It's not disgusting. Their parents want them to know that there are people that are different out there. Their parents want them to feel accepted because perhaps their child is different. I was different growing up. I played with Barbies. I played dress up in my great-grandmother's clothes in her living room and it was my mother who encouraged me to get into drag when I became of age. If she were alive today, she would be here with me, sitting in strict opposition

of this bill. This bill has put a marker and a target on the backs of trans individuals and LGBTQ performers. I hope-- sincerely, sincerely hope that this bill does not leave this committee and it dies in this room. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

MITCHELL DAFFER: Thank you.

WAYNE: You're not going to get bad luck on my account. I'll tell you that right now. Welcome.

JACOB THOMSEN: Hi. Good evening. My name is Jacob Thomsen, J-a-c-o-b T-h-o-m-s-e-n. I am a resident of Omaha, Nebraska, a voter and a drag performer. I perform under the stage name Jackie Oh Kennedy. As you can imagine from my presence here and my drag, drag name, politics have played a large role in my life. From a very early age, my parents and grandparents taught me the importance of being informed. I imagine that they knew that I was different because they were particularly hard on me about this. I believe they were preparing me for a day when my existence would be questioned. Today is that day. LB371 is a direct target on the LGBTQIA+ community. This bill assumes that drag artists do not know how to plan and adapt to their target audience, a nationwide discourse that has painted drag artists as a danger to children, without giving statistics to prove these claims. This is shown in uptick in violence and threats against the LGBTQIA+ community. This bill penalizes parents for bringing their children to drag performances. But they are not just seeing drag artists. They're seeing their parents, their aunts and uncles, their brothers and sisters, cousins, friends and neighbors. I have had the distinct honor in participating in many all-ages drag events, including drag queen story hours. My particular favorite book to read is, I Am Human by Susan Verde, and I would like to read you an excerpt. I am human, but being humans means I am not perfect. I make mistakes. I can hurt others with my words, my actions and even my silence. I can be hurt too. I can say-- I can be fearful of things I do not yet understand and timid to try something new. I have a heavy heart when I feel sadness. I am human. But then I remind myself that because I am human, I can make choices. I believe this body has made a grave mistake in introducing this bill and I implore you all to make the choice to not allow it to continue any further. Thank you.

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WAYNE: Thank you. Any questions? Thank you for being here. Next opponent. Welcome.

MATTHEW ARMISTEAD: Thank you. My name is Matthew Armistead, M-a-t-t-h-e-w A-r-m-i-s-t-e-a-d. My name is Matthew Armistead. I am a 32-year-old male who resides here in the state of Nebraska and I am a queer man. I am also a small business owner and I have been in the performance art form in drag for the last 12 years, producing and managing several shows at several businesses, not only here in the state of Nebraska, but in other states as well. Two of those shows are called Dinner, Drinks and Drag, which is performed in front of an adult audience, only adult audience. And I also produce and manage a show called Elevated for queer youth, an opportunity for children to experience drag in a safe space where we educate and we teach about love and acceptance. Suicide is the second-leading cause of death among young people age 10 to 24. Lesbian, gay and bisexual, transgender, queer and questioning, also known as LGBTQ, are youth individuals that are significantly at risk. The LGBTQ youth are more likely-- four times more likely to attempt suicide. It is from bills like this that are cause that allow children to experience these emotions because they are not safeguarded, they are not respected. Pride is defined as the promotion of self-affirmation, dignity, quality-- equality, I'm sorry-- and increased visibility not only just for the queer, lesbian, gay youth, youth, but also as an individual social group. What I want you guys to think about, folks, is that when it comes to pride, it's not just about gay pride. And that's not what we just teach at these children shows. We teach about what pride is. We teach the principles to children that even when they attend drag shows, they are safeguarded, they are loved, they are respected and they are accepted for who they are. We tend to educate during these shows to teach the youth that they can find love and acceptance and that it's OK to identify what you choose to identify as, but you can do that in a safe space. Not every space is objectified as a sexual experience with drag queens and entertainers. It's very clear that childhood has an effect on our adulthood and at an early age and experiences shape our lives and beliefs about ourselves and the world around us. But this bill suggests that entertainers in the drag space are not allowing children to have the freedom that they want, that they have to identify as what it is that they're being told to. It is imperative that we provide the youth with a safe space of fun and educational opportunities while we're in the kind of society we're in today. And that's what we do with these youth drag shows when we set these parameters for the ages and allow youth to come to those shows,

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when we change those shows and put them as adult oriented or restricted based off of the age. Not every drag show is open to youth. And that's, I think, where there's a big lack of understanding and there's a significant amount of confusion amongst individuals that are proposing both-- bills, I'm sorry, like this one that we're speaking about today.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

MATTHEW ARMISTEAD: Thank you.

WAYNE: Next opponent. Welcome.

LUCIAN BLAZEK: Thank you, Chairman and committee members. My name is Lucian Blazek, spelled L-u-c-i-a-n B-l-a-z-e-k. I live in Omaha and I am urging you to oppose LB371. Six years ago, I came to a Nebraska university to study dance and physics as an honor student and shortly after, I came out as a trans man. After a year and a half of studies while working jobs overnight to try to pay for school, I came to the realization that I could no longer afford this school and I dropped out. I left with \$20,000 in student debt, no degree and a couple of weeks before I would be officially homeless. This was my rock bottom and I was still under the age of 21. From there, it was a trans woman at a local drag show that offered to let me stay with her for several months until I could get back on my feet. It was the local entertainers who taught me that I can love my body even before receiving gender-affirming care. It was in Nebraska venues and audience members that gave me a paycheck and were the first to donate to my surgery GoFundMe when Nebraska's Medicaid policies were noncompliant with the Affordable Care Act. When Nebraska didn't take care of me, drag entertainers and trans people did. So it should be no surprise to you that when the community that made me love this place could suddenly be taken away, I feel betrayed. I feel betrayed, abandoned and shamed, silenced, misunderstood, a deep sadness and even disappointment. But most of all, I feel the overwhelming burden of uncertainty. Now, after four years, I have finally built my life back up to the point where I'm truly ready to try for a degree again. I'm happy to share that I've been accepted into a Nebraska engineering program for the fall. But with this and other anti-trans bills, I am constantly struggling to find confidence in a future, in a future that Nebraska can provide for me. So I hope that when you vote on this bill, you remember that LB371 criminalize-- criminalizes not only me

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as a trans man and drag queen, but also the people who kept me alive at my lowest. Thank you for your time.

WAYNE: Any questions? Seeing none, thank you for being here.

LUCIAN BLAZEK: Thank you.

WAYNE: Next opponent. See, I was calculating how-- if we were going to keep going the longer way when they could have went that-- welcome.

SAM PLOTZ: Hello. My name is Sam Plotz, S-a-m P-l-o-t-z, although most people know me by the name of Amelia Parke-Deveaux, I'm a local drag artist and I'm also the entertainment director for Star City Pride here in Lincoln. I have been entertaining in and around the state of Nebraska for just under six years now. Within that time, I have performed brunches, matinees, clubs, festivals, university and more-- universities and more benefits than I can count. My fellow community members and I have raised funds for local pride organizations, for community members' rents, and gender-affirming care for venues and businesses, and for a whole host of local and national nonprofits. Throughout all of these events, I have performed for people of all age groups and regardless of and audience member's age or background, I have been told consistently that drag is inspiring. I have been told time and again that by entertaining, I alongside my colleagues, give people the courage to be themselves. The passing of LB371 will hurt LGBTQIA kids, local pride organizations, queer businesses, trans people and me as a Nebraskan. Thank you.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

SAM PLOTZ: Thank you.

WAYNE: Next opponent. Welcome.

HENRY HILL: Hello. My name is Henry Hill, H-e-n-r-y H-i-l-l, but most people know me by Norah Hill [PHONETIC]. I am a transgender student at Lincoln High and currently on track to graduate with honor roll with distinction and for both semesters this year. I believe that LB371 violates the people's freedom to express themselves and sexualizes drag queens to make them sound more inappropriate than they truly are. This bill can't be interpreted in a way that doesn't target minorities while still maintaining its full effect of reducing the number of drag shows in Nebraska. Drag queens are a crucial part of queer culture that is effectively being erased in a desperate attempt to, quote

unquote, sanitize Nebraska's image. If people in elaborate dresses, wigs and makeup are deemed too much for children and need sanitization, why wouldn't we have punishments for smoke shops that allow children in their stores? How come you-- movies that feature death can be OK for children to watch, but, but people dancing to music is too much? How come religious congregations are allowed to be around children with their numerous reported sexual assaults against children made by pastors this year alone when drag queens have had nearly zero? What is the line for what you deem to be appropriate for children? Is smoking in public something that we're told is unhealthy for us and illegal until we turn 19 appropriate for children to be around? Is profanity in music appropriate for them? Is allowing children to go to the pool and see people in bikinis and Speedos too appropriate for them? If so, what about magazines that are in the majority of grocery stores and gas stations that show models in bathing suits on the cover? Is that too much for them too? What about the distribution of Halloween costumes? How do you differentiate, differentiate drag shows from cosplayers and fashion designers showing off their creations around children? Additionally, in subsection (4) of this bill, you also say, quote, no state agency that receives funds shall use such funds to host a drag show, unquote. This would in turn mean that public schools would no longer be able to have theater programs that are able to be supportive and service the needs of their transgender kids. This also means that if there's a discrepancy in the number of males to females, that most shows actually won't be possible, which will in turn mean that shows either get dumbed down and difficult to watch or won't be done, period. Either way, it means that shows will be made-- making less and less money for the schools and eventually not provide enough funding to be considered worthwhile to keep around. This would be the slow but certain death of any theater-related activity at Nebraska's public schools, which is a very-- it's a much worse look than just having a couple of kids dress them in costumes that don't match their sex assigned at birth. All of this is to say that LB371 is more of a threat to school funding than it is to any of the kids that may be present. We must-- we have clear evidence that show that any kind of drag show with children present will have more clothing on than a typical trip to the pool, drastically fewer sexual assaults than going to church or church-related event and will be much more child friendly than any horror film that might get away with seeing. This bill makes zero sense to pass when drag queens are practically as harmless as they come. Just because you find them sexually attractive or eccentric to you does not justify a clearly unjust law.

WAYNE: Thank you for your time. Thank you for coming out and testimony. Any questions? Seeing none, thank you for being here. Next opponent. Next opponent. Welcome.

JUSTIN WITTHUHN: Good evening. My name is Justin Witthuhn. That is J-u-s-t-i-n W-i-t-t-h-u-h-n. I am one of the main drag entertainers reading for Drag Queen Story Hour Nebraska, hosted at Indigo Bridge here in Lincoln, and Urban Abbey in Omaha. Unfortunately, Reverend Deborah McKnight could not be here. She had a family emergency earlier. She is the owner of Urban Abbey and I would like to read you her testimony today that she had planned. Senators, we have hosted storytime at Urban Abbey since 2018. I invited Drag Story Hour Nebraska because I thought it would be fun and delightful and it is. We read books that my nine-year-old daughter says make you a better person. There are stories about horses befriending unicorns. There are stories about kids who imagine a journey around the world as a penguin. There are books about boys who wear pink and Mary Wears What She Wants, which is a true story about Civil War doctor and hero Mary Walker, who wears pants and she gets arrested in real life. We read books about love and feelings and families and being who you are and then we craft. The only challenge that has ever happened at drag story hour was when we used paint for the craft. On our third story hour, protesters outside, but a small group, came in. They drove six hours to stomp around and intimidate people. They shouted two expletives-- and you will have to excuse my language-- f***ing f***** as the kids listened to a story about bunnies. I would like to pause and say I was the reader for that event and those were the words personally aimed at me, myself. To continue with her testimony, I asked them to leave and banned and barred them with the help of police. We formed a choir of ukuleles and people to sing songs of welcome, love and peace as families entered the Abbey to block out the sound of protesters shouting harm at families as they entered. Every month, we welcomed and tried to make relationships with the protesters who stood outside. I see I am running out of time so I'm going to skip ahead just a little bit because I feel like this is important. On Saturday morning, as we were preparing for a fun storytime, we received a threatening email. It named four of our staff members would die and that bombs had been placed at their homes, including me and my husband. It named a bomb had been placed at our church, Urban Abbey. It was mean and terrible and weird, especially because the harm they promised would have happened already. We called the police and received an immediate response. When I walked into the Abbey, they had already been investigated and searched. The immediate physical threat was gone. The

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officers were empathetic and compassionate. They explained and listened to my questions about what next steps we needed to take, what I needed to share and what I needed to hold onto for the pending investigation. I shared with a room full of beautiful families that we had a mean email and the police have cleared the space and deemed it noncredible. I shared this in case folks wanted to go home so they would know in case their family wanted to make another choice.

WAYNE: Thank you for your testimony. And just so you know, we have the letter that will be a part of the record for the permanency. Appreciate you--

JUSTIN WITTHUHN: Thank you.

WAYNE: --coming down. Any questions? Seeing none, thank you for being here.

JUSTIN WITTHUHN: Thank you.

WAYNE: Welcome.

AMBER NEAMAN: Hello. Hello. My name is Amber Neaman. That is A-m-b-e-r N-e-a-m-a-n. I'm a UNL student and I oppose LB371. I'd like to start by addressing the language in this bill. It describes drag as dressing as the gender opposite of your assigned gender at birth. I myself am a drag queen and I am also a cisgender woman. And I think that is important to say because it shows how little those presenting this bill know about drag and the people who do it and therefore do not have the right to be proposing bills about something you know nothing about. You don't have the right to make laws based on personal or moral beliefs. So what is drag, then, you may ask? Well, the reason I love drag is because it isn't just one thing. It's an amalgamation of art, acting, comedy, dancing, theater, design, business and above all, it is community. These people are not evil. They are the most loving and talented human beings you could ever have the privilege of being in the same room with. And we are smart. We already know what is appropriate to wear and perform for all-ages shows versus 19-plus shows. I started drag when I was nine-- when I was 18 and I'm 20 years old right now. And if it were decided that no one under 21 could be at a show, I wouldn't be allowed to be with my community. And sure, the law was even applied to me after I turn 21, but I'm not here for me. I'm here for them. Sorry. I'm here for them because they're the ones who saved me. So please ask that you choose to let LB371 die here. And when you do, you will choose art. You will choose happiness. You will

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choose to honor democracy that made me proud to be born and raised here because I am not so proud right now. Honestly, it's not for everyone is our slogan and you got that right. Thank you.

WAYNE: Thank you. Any questions? Seeing none, thank you for being here.

AMBER NEAMAN: Thank you.

DeBOER: Next proponent, please. Opponent, sorry. Opponent.

WAYNE: Oh, no. One second. You guys that are in that column back there, there's plenty of room up here in the front if you want to make a move as this testifier comes up to testify. You can sit down. The green lights on, but promise you the, the clock has not started. We'll-- when you're ready, we will-- it will go.

ALLIYAH HOPKINS: Beautiful. My name is Alliyah Hopkins, A-l-l-i-y-a-h H-o-p-k-i-n-s, and I am a proud local queen under the guise of JaJa Adore. I have been doing drag for just about-- or just a little over five years and it has changed my life in ways that is indescribable in a three-minute setting. I have grown up in this community and witnessing time after time the inspiring nature and the connectivity between individuals witnessing a drag show. And drag can be defined in many, many, many ways over and over again. I always introduce, when speaking to somebody new, about the experience of drag-- essentially, just like all forms of entertainment-- as in exchange of energy. As humans, we are all looking for that energy and that connection. And time and time again, I have been inspired by people, by drag artists performing. And I just want to articulate how important it is when garnering a perspective that you look at the full side. And I think that there is major importance in the way that you articulate the language in this bill moving forward. And I hope today that this bill does die. I think it's important to have legislation jurisdiction and, of course, to protect children. But this bill is targeting the wrong people. These are queer humans who are just trying to, in some cases, make a living. And in more ways than one, this has saved more lives than it has harmed. I just want to speak just how divinely loving the community is as a whole, just trying to represent what it means to be human. That is the whole point of artistic expression and that is what I value above anything else. And I thank you for your time today and I really just want to highlight that love is love and art is art. And it is important to articulate just how important it is to be authentically yourself and bills like this and its counterparts are

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actively counting against, just like me, trans women in the United States just trying to live their lives. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

EVAN MARNELL: Hello, members of the committee.

WAYNE: Welcome.

EVAN MARNELL: This is my first time ever doing this so thank you for having me. I moved to a Neb-- oh, my name is Evan Marnell, E-v-a-n M-a-r-n-e-l-l. I moved to Nebraska over a year ago seeking safety. I came here to get better. I left my family and abusers over 1,500 miles behind back in Vermont. I moved here alone. When I arrived, I had no one. No one knew my address, where I was or how to find me. I want you to imagine if you or a loved one moved over 1,500 miles away. What would you do? Who would you call? Days would go by and I saw no one and no one saw me. I would go weeks without speaking. It wasn't until I was introduced, introduced to the Nebraska drag community that I finally found a sense of belonging. They took me, an orphan, and gave me a family. I'm not sure how many of you have had the privilege of being welcomed backstage at such an event, but what you will find is support not unlike that which you may have had from your loved ones this morning before you came here. Compassionate words of encouragement and validation are shared, confidence is built and in turn, community is created. These are not just performers. These are fathers, mothers, aunts, uncles and these are my family. Now, I know I may be young, but like many young Americans, I have always wanted to be a father. I've worked with kids for almost ten years now and it has saved my life being surrounded by such energetic and kind little humans is one of the highlights of my existence. Now, if you couldn't tell already, I am in fact gay, but I was also the only male instructor in nearly every program I've worked in. I have a long list of professional resumes that would happily tell you the-- in detail the positive influence I've had on these children's lives. But I have an even longer list of people in my life who can't wait to tell you that I'm going to be a dad. One of the hardest parts of being a teacher is knowing you only see these kids for eight hours a day. Outside that classroom, you have no control. I don't always know what happens outside those walls, but I do know what happens inside of the walls of our Nebraska drag community. You will find lessons of resilience, compassion, empathy, love, support, guidance, acceptance, appreciation and hope. And most importantly, you will find a family.

Do not neglect my child the opportunity to be a part of my family, to watch my brothers, sisters, mothers and fathers perform. To watch the people who helped raise his father to be the radiant rockstar he is. Let us, as parents, decide what is appropriate for children to protect-- to continue to protect our rights as queer parents, to provide love and support to family those-- to those who need it. I would not be here today without my drag community. We are a queer community-- we as a queer community, queer community face enough harm and oppression just existing day to day outside these doors. I want to be driving down here to show support of legislation that protects the rights of myself and my loved ones, not ones that inflict further harm and fear. I am queer, I am here and I want to be a part of your community, not in opposition to it. Please hear me. Hear my words. Hear our words. See us. We are here in hordes. We have waited all day to hear you. Please don't just hear our words. See our faces. See our presence. We have waited all day to be seen by you. Thank you for your time. We appreciate you.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

EVAN MARNELL: Thank you. Thank you.

WAYNE: Next opponent. Next opponent. All right, we gonna hop over here. Come up. Go ahead.

CHASE OSWALD: Thank you. Thank you for your time. My name is Chase Oswald, C-h-a-s-e O-s-w-a-l-d. I am not a native Nebraskan. I moved here in the midst of the pandemic in 2020. We didn't like the way the place that we worked for back in Kansas took care of how they handled things so we thought we'd move for the good life. We moved here, bought a new home, settled down, tried to create our own little family. These people that are being attacked by being a performer are the very people that have allowed me to express who I am where I was not allowed to where I was back home. We didn't have drag performers. I wasn't allowed to do these things when I was younger. If young people are deprived of the ability to just be exposed to someone who is different than, they will never learn anything that is different than who they are and who they're surrounded by or who their parents choose to. If a parent chooses not to take him to a drag show, that's fine. You don't have to take your child. They don't have to be exposed to that if you wish them not to be. But to impose a moral belief or a religious belief on everyone else just because you or someone near you doesn't like it is unconstitutional. We're all allowed our own

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beliefs. Without these people, these performers, these human beings that have become family, I, I wouldn't be sitting here today. I wouldn't be who I am. I wouldn't, I wouldn't have the gumption to sit here and talk to all of you today. I'm just not a person to be advocating, standing up and being out there. I was told, sit back, just let things happen. We can't sit back and let this happen. If these things happen, entire swaths of communities will be eradicated and/or just silenced and pushed away. We are here. We are proud. All we want to do is love, have the ability to love and let live and let live. Thank you for your time.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent. Is the parent here for this child? Slide up, slide up. You got your, you got your camera with you? You got your camera with you?

CECE LONGWELL: That's my--

WAYNE: You got a camera? You can come take one right here. Right here. Take a picture. All right, you're going to have to speak real loud. Ready? All right, let's go. Spell your name.

CECE LONGWELL: My name is Cece, C-e-c-e.

WAYNE: Go ahead. We're good. You got to smile, though. There we go. All right, let's go.

CECE LONGWELL: I don't want it to stop because I have a lot of fun going to drag shows and I myself have performed. It's very fun. It doesn't really hurt anybody. Just, just expressing yourself and who you want to be kind of things. That what really-- drag really is.

WAYNE: Thank you. You done? All right, any questions? I have one. What's your favorite song? You don't have to answer. All right, thank you for being here. Next opponent. That was the only time you guys are going to get to laugh the rest of the night, OK, so I'm glad you got it out. Next opponent.

ALYSSA DEANEY: Hi. My legal name is Alyssa Deaney. It's spelled A-l-y-s-s-a D-e-a-n-e-y. Most people know me by "Soup." Just-- I'm just going to hop right into it. I was sexually trafficked from the age of 18 months to 16 years old. I have-- went to my first drag show when I was 18. I, I got to see it at Das Haus here in Lincoln. And I have been here in Lincoln-- I was raised here. I mean, I was here from 2 to 16 and when I escaped, I left. I went, I went to Ohio with my

Mom. Then I came back because I wanted to try again and I wanted to be here. And I just need everybody to know that out of the people that have tortured and hurt my body as a child, not one of them was a drag queen, but multiple of them were leaders of a church, multiple of them. They knew each other. They talked to each other and they knew me. And I need everybody to know that I am a lovely person and that doesn't change because I wear a binder to hide my DDDs or that I wear Docs or pants or that I go to drag shows on the weekends with my friends. And those drag shows that I see with my friends on the weekends, those are 19-plus drag shows. Of course they get a little raunchy. Sometimes we dance, we have a lot of fun, but never would a child be there for that. It's the same as a club dance or a-- if people went to-- like, people went to go see strippers perform. There would not be a child there. But of course, those same dancing techniques and of course, people still learn how to dance when they strip. People dance. People perform ballet all the time. That has nothing to do with sex or abuse or grooming. And I think that we are endangering more children than we are saving by introducing this bill and by even being here today. And I would like to encourage everybody to spend the time and energy that we have on protecting the kids. Protect them and save them, as all of you have been-- not all of you, but some of you have been saying save the kids. Keep them safe. We aren't doing that. I was not safe, but I am trans and I do watch drag. And that has never made me feel unsafe. If anything, that is the one thing that has been keeping me alive and that is the one thing that has kept me from reattempting since I've been safe.

WAYNE: Thank you.

ALYSSA DEANEY: Thank you, guys.

WAYNE: Thank you for being here. Any questions from the committee? Thank you. Next opponent. Welcome.

KAITLYN MAIER: Hello. My name is Kaitlyn Maier. It's spelled K-a-i-t-l-y-n M-a-i-e-r. I used to be transphobic. When I was growing up, I was taught nothing but fear of the other, of trans and queer people. I lived in fear of hypothetical child abusers who were hiding behind a colorful flag. Then in high school, I met the first person I had ever met in my life who was trans. He was just like me. His name was Casey [PHONETIC]. He liked playing video games and reading books. He taught me more about what it was like being trans. I connected with somebody in my community and I started to learn and unlearn things that I had been taught while I was growing up. I was afraid of trans

people because I didn't understand them at the time. I think some of the people in this room here feel the same today. I invite you, if you feel that way, to actually go to a drag show. I have never felt unsafe at a drag show. You know why? Because it is men wearing dresses, lip synching to pop music. That's it. That's literally it. You will see people here in drag today testifying. The only difference between this and a drag show is, again, a song playing and them lip synching. That's it. There's nothing inherently sexual about it. If you find something sexual about that, just that, please consider looking inward and figuring out what that means about you. I'm sure our community would love to have you.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next opponent.

JENNY TYNER: Thank you. Good evening. Thank you for having me. My name is Jenny Tyner, J-e-n-n-y T-y-n-e-r. That's my legal name. I'm known here often as "Juju" and what I find interesting about this bill is that it makes lots of assumptions in its language about what it is that queer entertainers do. And in order to, I don't know, make a cute little analogy, I've definitely been following this legislative session and I would like to thank the senators present who voted down LB574. And I'm going to make an assumption based on the two here that voted yes on 574 that you are my audience.

WAYNE: We're not, we're not doing that.

JENNY TYNER: Sorry, That was my illustration is that as a performer, you know your audience. So I would like to address my audience. I'm here in opposition of LB371. I'm representing myself and I also represent a musical group, group that I conduct called Queer Choir Lincoln. We are exactly what the name suggests, a chorus of queer people and we are beautiful. I have women who are baritones and men who have higher voices. I have literally everything in between, every gender identity and expression singing whichever voice part their own voice is meant to sing. We perform sold-out shows to people of all ages. Some of us are in drag. Some of us are not. Some of us are trans and some of us are not. Some of us are parents. Some of us are not. Some of us are in what we call straight-presenting relationships and some of us are not. All of us identify as queer and none of us are a danger to minors. This bill has become colloquially known as the drag bill. Oh, boy. Okay, that was a light. OK. I'm so happy that my friends in the drag community are here to speak on why the art of drag poses zero danger to children and I wholeheartedly agree. But what I

am here to highlight is that within the language of this bill, it is not story hour and brunches alone that this would affect. It is any person who performs in any capacity and presents in a way that doesn't line up with their perceived gender. I would like to know how 50 queer folk singing Here Comes the Sun for a spring show poses a threat to children. I would further like to note how Senator Murman and supporters of this bill would propose to enforce it. Am I to be fined \$10,000 per child-- I have two children-- if they come and listen to me conduct a bunch of beautiful people that they have had Thanksgiving with? Is it considered-- it's considered drag if a person with a penis wears a skirt, but I'm, I'm wearing pants. Am I in drag right now?

WAYNE: Thank you for your testimony.

JENNY TYNER: Thank you very much. Please do not advance this bill.

WAYNE: Appreciate your testimony. Any questions from the committee?

JENNY TYNER: Happy to answer.

WAYNE: You know what? That was, that was good.

JENNY TYNER: OK.

WAYNE: Seeing none--

JENNY TYNER: See you soon.

WAYNE: See you. Next opponent. Next opponent. Welcome back.

DEVIN CROZIER: Ready?

WAYNE: Yeah, go ahead.

DEVIN CROZIER: Hello. My name is Devin Crozier, D-e-v-i-n C-r-o-z-i-e-r. I'm gay and I'm transgender. I'm also a single father of a transgender son who testified earlier. My parents had similar views to those that proposed LB371. I grew up never seeing anything LGBT related and what little I did see was only hateful towards it. Guess what? Thirty years after that, I'm still gay and transgender. Robbing kids of queer representation in safe spaces will not stop them from being queer. It will only make those queer kids feel like something is wrong with them and it will only make more children feel suicidal. I will not raise my son to feel that way. He has been going to drag shows and to pride parades for years now and he has only been

loved and safe and supported in those places. He, as he said earlier, has even performed in one and I've never seen him so happy and so loved by individuals. Not a single person did not give him a tip that day. He robbed them blind, \$75 later. So I ask that you realize that you are not helping children. You are only hurting them in this situation. No one has ever hurt my son. No one has ever acted untoward toward him. But I've had multiple people that support bills like this that have yelled at him from the street because he was wearing rainbow clothes, going to pride parades and things like that. So I ask you to just look and see what you're really doing here. You're not trying to save children. You're trying to keep people from knowing what queer is and hope that they just live their lives unhappy, thinking that they're straight and that there's something wrong with them. Thank you. That's all I have to say.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent. Welcome.

RODNEY MOUNT: Hello. All right. My name is Rodney Mount, that's R-o-d-n-e-y M-o-u-n-t-- yes, that's how I learned to spell my name-- but I'm better known in my community as Frieda Roxia, the shady, shady bearded lady. I am, I am the show director of Das Haus, the local queer bar where we do the vast majority of drag events. And real quick, I want to address a question that you gave to Abbi Swatsworth earlier about age appropriate and how people let in. Das Haus is a 19-plus venue. I have a door guy with over 15 years of experience who stands right there. He does not let minors in that door so anyway, I'm going to continue on opening. One second. Man--

WAYNE: Technology.

RODNEY MOUNT: I know and now it's being stupid. My phone cracked a while ago. Ah. OK. This year, I was nom-- I was named the LGBTQ Drag Entertainer of the Year and the LGBTQ Pioneer Award for my work at Das Haus. I have made my career in helping new folks find their voice, their space, and their power through the art of drag. Many entertainers that you've seen today or will see are my children, or at least they call me "Mama." The most beautiful part of my community is that we get to choose our family. We find each other through the moments of hardship when the people are at their lowest and they know that they have my ear and they have my heart. I've saved countless of lives by-- just by being myself. I live my life authentically, unapologetically and fearlessly, which growing up where I did was not an easy task. I'm from a small town in the southeast corner of

Nebraska. You may have heard of it, Falls City. For those of you that have seen the movie Boys Don't Cry, starring Hilary Swank, which follows the true story of a trans man who found himself in my hometown and was brutally raped and murdered by my baseball coach's brother. Hate runs deep in my hometown, fearfully deep. And when I finally escaped and found my chosen family, I knew that my life's mission was to never let anybody feel the way I did. My inbox is full of young people who are terrified, terrified that somehow this body gets to decide their rights to be, to exist. For a party that hates overreach in literally every aspect of finance, business, economics, environmental policy and presidential impeachment, you sure love to tell us what to do with our lives. My issues with this deal are in two parts. First, who are you to tell us what is appropriate? And since when is that your job as state senators? It's not. It belongs to the people at these events and their parents. You are taking away our rights to choose. Second, the wording of drag is used so broadly that anybody that-- not wearing birth gender-assigned clothing who gets to decide what-- who gets to decide what clothes are for girls and which ones are for boys? Are we banning robes in churches now? Also, are we banning these hideous pantsuits that I saw from the proponents? I don't think so. I doubt it. So this bill is impossible to regulate, which tells me one thing: it's not about drag. This is about erasing trans people from public life. You've had no problem with Tyler Perry teaching Christian values as Madea for over 20 years. Julie Andrews, Robin Williams, Barbra Streisand, Wesley Snipes, Patrick Swayze, John Travolta, even Rudy Giuliani have been in drag. It's all drag, folks. And as-- it's as old as performance and it can be linked in every continent and every culture since they began putting actors on the stage. Quit lying to us. Quit lying to yourself. Do the right thing in this bill.

WAYNE: Thank you for your testimony. Any questions from the committee? Seeing none, thank you for being here. Next opponent. Welcome.

PAYTON BUSS: Hello. Thank you. My name is Payton Buss, P-a-y-t-o-n B-u-s-s. My former stage name is Polly Pocket Roxia. I am in charge of the story hour in Urban Abbey in Omaha. I have been doing so for a year. It has been my favorite thing that me and my husband attend every single month. The children that we see there, some are regulars, some are new, each and every one is filled with smile, laughter and joy when we are reading, dancing and singing along to storybooks. My outfits are not sexual. My acts are not perverted. I dress like this predominantly when I do these story hours. I am wearing more tights right now than most of you are wearing clothes. Nothing I have ever

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done or said to these children at my drag shows have been malicious or filled with any negative, hateful intent. I am here to stand up for my story hour because it is my pride and joy of why I do drag queen. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

PAYTON BUSS: Thank you, guys.

WAYNE: Next opponent. Welcome.

MADS RODEN: Hi. My name is Mads Roden, M-a-d-s R-o-d-n [SIC], and I'm here today to testify against LB371. I'm a nonbinary person sitting in front of you today in a suit, jacket and tie, clothing traditionally worn by men, and I'm assigned female at birth. I'm reading my own written words in front of you all, which could be considered a performance. Tell me, would you arrest me? Would you flag me as a danger to our children. I am a teacher at the Montessori Co-op School in Omaha, and I can safely say that wearing pants has never made the parents of our students run screaming. In fact, many of our students are gender nonconforming or trans themselves. I have male students who twirl in their dresses as they play in the mud, and I have female students who love toy trucks and excitedly stomp in their Spiderman boots as we get ready to go outside. How is a drag queen, someone who, according to this bill, is someone that wears clothing that doesn't match their gender assigned at birth harmful to kids that already wear clothing opposite to their birth gender or to any child? I love my students more than anything and I want to guide them and inspire them. But this legislator thinks that I shouldn't be able to do that because of my presentation. The first time I met a drag queen, I was about seven or eight years old. I was at a pride festival and saw these beautiful, tall women with big hair, sparkly dresses and wild laughter that stayed in time with the clack on their platform heels. My mom explained what drag was and I asked to go talk to them, and they were the nicest people that have ever existed. They graciously accepted my compliments and even complimented the purple streaks I had in my hair at the time. They were patient and kind. They crouched down to talk to me at my level. They treated kids exactly the way that me or my coworkers would treat our students. And while this ban in and of itself is stupid, the attack on drag story hours is ridiculous. I find it funny that our Senate considers men or trans women dressing as Ms. Frizzle and getting kids excited about learning is grooming and abuse. But preachers at church are telling kids that if they dress opposite

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to their birth gender or hold hands with someone of the same gender, they'll go to hell and burn for all eternity and that's perfectly OK and is in fact encouraged. I am literal living proof that exposure to drag as a child is fine and was actually beneficial to my development. Drag queens helped me find my love for fashion and makeup and help me feel more outgoing and more confident in my own skin. A trans drag queen threw the first brick at Stonewall, which coincidentally had queer people being arrested for wearing clothing different than their assigned birth's gender. The wording in this bill is vague because it's not about drag, it's about trans people, full stop. I don't expect trans legislators to know the difference between a drag queen and a trans woman, but our oppressors will use vague language to punish any instance of a trans person existing because they don't want it to exist. Can we not perform traditional Shakespeare any more? Did we all not watch Mrs. Doubtfire? When Daniel gets his own kid show at the end, wouldn't that be a drag queen grooming kids, or is it fine because he's cisgender and straight? You hate seeing queer joy and I don't want anything bad to happen to my students. I don't want to have to explain to them if this bill passes that people hate them and they can't wear their Elsa and Anna dresses anymore. You're not worried for the safety of our children, you're worried that seeing queer joy will break them free from the echo chamber you've created around them. Please oppose this bill.

WAYNE: Thank you for your testimony. And we have your entire letter for the record, so I appreciate it.

MADS RODEN: Yep.

WAYNE: Any questions? Seeing none, thank you for being here. Next opponent. Welcome.

SARAH HORWATH: Hi. My name is Sarah Horwath, S-a-r-a-h H-o-r-w-a-t-h. I am here today to testify against LB371 and I am doing so from my perspective as a trans woman and as an elementary teacher. This bill is talked about as one that is meant to protect children. And from my perspective, I believe that it is doing the opposite of that. I think it poses harm to children and to trans people. At the, at the Montessori Co-op School in Omaha where I work I am accepted by the staff and students as the woman I am, because at our school we create an environment where teachers and students are allowed to express themselves and be who they are. And because teachers like me are able to express ourselves, that way students are also able to feel comfortable experimenting with their presentation. So we have boy

students who wear dresses or girls who dress in button ups, and we have students who identify as trans or nonbinary. And to me, that's a good thing because it makes school a comfortable place for our students. And, like, it just creates an environment where kids aren't going to be judged by anyone around them for being who they are or trying new things out. And if it comes up where students are given trouble for their presentation by other students, it's an opportunity for growth. We work to prevent bullying for that sort of thing. And from my perspective LB371 is going completely against those values and actively encouraging bullying towards gender nonconforming students and adults. And that is because, by the bill's standards, it would criminalize any performance involving a performer exhibiting a gender identity that is different from the one they were assigned, which in itself is cruel and pointless because drag events that have explicit content are usually 18 or 21-plus events anyway. But the bigger issue is it's worded in such a vague way that it doesn't really define the line between like what an actual drag performance is and so, so like as a trans woman, if I were to go, to go work and read to my students or tell a joke, do my students count as an audience? Am I in legal trouble if this bill goes, goes through? And, like, how does this apply to gender nonconforming students, like if one of my students wears a dress and does a class project presentation, are they--

WAYNE: Thank you--

SARAH HORWATH: Oh.

WAYNE: --for your testimony. We have your written testimony. So any questions from the committee? Seeing none, thank you for being here. Next opponent. Next opponent. Welcome.

RILEY J. WIESE: Howdy. How are you all? I will just go ahead and start. My name is Riley J. Wiese, R-i-l-e-y J. W-i-e-s-e. I have-- was born and raised in Nebraska, rural Nebraska. I grew up getting my hands dirty on my grandparents' farm doing all the things. I graduated high school. I went to UNK and I got a bachelor's degree in criminal justice and social work. I have been working within the criminal justice-- juvenile justice system and foster care system for the last eight years. Throughout that time, I've worked with various career individuals and everything and such. Most recently, I'm at Youth Emergency Services, where one in every-- one in four of our clients that we serve is a queer youth where these bills are directly impacting them. With my-- I'm also a drag entertainer. I am a cisgender male, assigned male at birth drag king, and with these-- the

wordings within this bill proposed, LB371, it does not properly define that my drag is drag because it says one person of a gender dressing as the other, which is just inherently wrong. With that, as a drag performer-- actually, just last month I got to use my stance as a drag performer and the average specialist at Youth Emergency Services to do a fundraiser event where I was able to raise \$900 and then get donated over 500 canned food items for our food pantry for homeless queer youth. And without this, without being able to be this drag entertainer to do such as that, I would not be able to do that. Where our budget is 700 bucks a month for pantry bags for these youth, that gives us maybe 40 bags. We have hundreds of youth that are literally needing help on the streets. And what do we do? What are we're doing? We're here right now trying to say that drag is bad, that we're putting our kids in danger when all the other lies in place are keeping our kids in danger, our kids that are on the streets. If not to help them, what are we trying to do? And then let's just throw out a couple other things, another reason to oppose the bill. According to the National Resource Center on Domestic Violence, nearly one in ten trans individuals are attacked every year for simply living their life while being trans. Imagine how much higher this number will be if this bill passes. A rise in suicide ideation and attempts will happen. As we heard prior, there have been countless callers already coming into our hotlines that these kids are scared. What are we doing with these laws? We're scaring our kids with these proposed bills. And that's why I'm asking all of you to literally take the time and think about it, think about our actual kids and what we're doing and the kids that are already struggling. So please just kill this bill, LB371, on this floor today if you really actually care about the impact this will have on our kids and how to keep them safe. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Again, if you're not going to testify or maybe don't want to testify but want to-- next opponent come up while I'm talking-- fill out the gold sheet, your name, your position. It will be in the record. Welcome. I'm going to ask you if you can take off the top.

TREVOR STERKEL: The crown.

WAYNE: Yeah. If you can't,--

TREVOR STERKEL: Oh.

WAYNE: --it's cool.

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TREVOR STERKEL: Oh, no, I can.

WAYNE: Thank you.

TREVOR STERKEL: My name is Trevor Sterkel, T-r-e-v-o-r S-t-e-r-k-e-l. In the community, I'm known as Treasure Rose. I have been a drag performer for almost six and a half years. There are many things I'd rather be doing right now, same as you guys. I live in Kearney, Nebraska. I have a sick cat that is dying, but I chose to be here for you to hear my story. I grew up in the Panhandle. There was no queer culture in my life. There was no acceptance. There, there was no drag. There was nothing but conservative Christian dominance in the Panhandle, and there still is. And I grew up thinking that there was something wrong with me inherently, because that's what I was taught by my religious leaders, by my parents, by my teachers. I tried to commit suicide three times. I've had problems with addiction. I'm 36 years old. And those scars run so deep that if this bill passes, you are condemning queer Nebraskan children to fear themselves, to hate themselves, to think that they're an abomination because that's what you think. You accuse us of grooming. But if this bill passes, you will be the ones grooming those children, grooming them for a life of suicide, drug addiction, sexual abuse. I, I am actually Miss Gay Nebraska United States 2021. I currently reign. I represented this state on the national level three times. And I used to say I'm proud to be Nebraskan, born and raised. I can tell you facts about this state that not any of you senators know. But right now, in this moment, if this bill passes, I'm ashamed to be a Nebraskan, I'm ashamed to believe red, and I'm ashamed of this body. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent.

COLLIN BUMGARDNER: Hello. My name is Collin Bumgardner, C-o-l-l-i-n B-u-m-g-a-r-d-n-e-r, but most people around here would know me as [INAUDIBLE]. That's my drag name. I am a trans man, and I, I moved here three years ago, and I, I came to love this place. I came to love my family that I found, the family that found in the queer community. I, I found drag as an art, as a performance, as a sense of self-expression for who I feel on the inside. And I recently started to produce one of the all-ages shows that is around here. The owner of the venue, Alma, came and testified. It is at Mana Games. And you saw one of my regulars, someone who comes every time, testify. You, you saw this child come up here and tell you that they don't want to lose that sense of expression. None of us do. When I put on these shows,

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when I perform, when I produce, I am showing the world who I am and I am showing the world and I am showing everyone else that it is OK to be who they are inside. And with this bill not only will it take that performance aspect away, it directly targets the trans community, it targets my family. And I'm going to be honest, I didn't know what I was going to say when I showed up here today, but I knew that I had to say something, something to stand up for myself, to stand up for my family who has done nothing but cheer me on and have my back. And the fact that people don't want to see us as part of their community, that they see the entire queer community as other, that they see the drag community and the trans community as something that should be shameful, that is disheartening. And I truly hope that with all the people that testify today, with all of the people here who you see looking at you, with all of the people who have looked you in the eyes and asked you to please not let this bill go through, that you will have a change of heart, that you will understand that we are human and that children are just little people. They're, they're not anything other than people who are going to grow up. And I want every single queer child to grow up knowing that they are loved and that they can be who they are and that they will have a community to support them. And if this bill goes through, they won't know that. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. I'm going to hop back over on this side because I feel like we've been stuck in this side a little bit, so. Yeah. Welcome.

LUKE SCHROER: Hello.

WAYNE: Oh, can I have you take off the hat.

LUKE SCHROER: OK. I didn't know if it was technically useful or not.

WAYNE: I started, you know, I started so now I'm trying to be--

LUKE SCHROER: It'll make sense--

WAYNE: --I'm trying to be consistent.

LUKE SCHROER: --it'll make sense here in a minute.

WAYNE: All right.

LUKE SCHROER: My name is Luke Schroer, L-u-k-e S-c-h-r-o-e-r. Senator Murman and I both come from a similar place. We graduated from sister

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schools, Sandy Creek, I believe, and Lawrence-Nelson. I did not know any out gay people growing up, but after college I did a lot of learning. Part of that learning involved me being a gay man with an attraction to men so I did not understand drag queens. I'm not attracted to women, so I didn't understand the appeal. Then I started fostering relationships with drag performers. Finally, I understood drag can be so many things. It's a creative outlet, comedy, a political statement, it's educational, and it's a discovery of oneself, in addition to nuance there. I'll give you a story. After I learned these truths about drag, my industrial electrical company partnered with a nonprofit. Every Wednesday during October, our company would donate \$10 for every employee who wore purple. Fund-- the funds went to a domestic abuse nonprofit. Knowing that I worked with many straight men, I knew hardly anyone would notice someone wearing a purple T-shirt. I used my new knowledge of drag to help break the norm and show up to work with my hard hat, hi vis, and steel-toe boots, but additionally also wearing purple eyelashes, a purple shirt, and purple makeup. All day long I had coworkers coming up to me asking did you go out and party and forget to take off your makeup last night? My reply would be, no, our company is donating to a nonprofit. And just like you saw something was out of place today with me, if you see something is happening with one of your buddies, maybe hitting a partner, perhaps, just like you said something, you should also speak up if something is out of place relating to domestic abuse. In addition, we hide domestic abuse with makeup like I am wearing. I genuinely think you are naive to what drag is, but I had the capacity to learn. I am from 42 county, Nebraska, Nuckolls County. I had the capacity to learn because I befriended drag queens. I did not vilify them. My parents raised me in a fashion that they thought was appropriate. We are not mandating that you take your kids to a drag show. Let Nebraska parents choose how to parent their children. If I got pulled over driving to work, would the vague language in this bill count as drag in public? And I would like to also state for the record that it is a Friday night and we lost many voices hoping to speak tonight because this is a weekend and this is when we work, so. Do you have any questions for me?

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

LUKE SCHROER: Thank you.

WAYNE: Next opponent. The light on your phone is on. I don't know if you know that.

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RON CUNNINGHAM: Yeah.

WAYNE: OK.

RON CUNNINGHAM: I'm old enough, I got to have it.

WAYNE: You're fine. I just-- sometimes I forget to turn mine off, so I just--

RON CUNNINGHAM: OK. Thank you. Chairman Wayne and fellow committee members, Ron Cunningham, R-o-n C-u-n-n-i-n-g-h-a-m. I oppose this bill. As I understand drag shows may have even got a part-- partially started hundreds of years ago because they discriminated against women and wouldn't let them participate in-- on shows. They couldn't appear on shows so that's, that's partially how it started. I grew up in western Nebraska as well, very conservative, if not far-right community, and it still is. As a child, I can recall going to several school and community programs where adult male members of the community would dress up as a woman, they would perform dance, song skit. And based on earlier information I heard on the bill, no doubt it would be considered adult entertainment as they would be in a bikini entertaining. Based on my understanding of LB371, my, my parents would have been in violation of the law. Thinking back, I think most of the community people there thought it was just plain entertainment, funny. Only ignorance would suggest that me would turn out to be a drag queen by going to those-- that type of entertainment. I have addressed other committee hearings this year over my, my true concerns as a lifelong Nebraska citizen. In my opinion, we have too many current senators promoting fear today. The sad part to me is that constituents in Nebraska look to senators for leadership and rather than giving them confidence to the future, senators are presenting doom and gloom. I truly believe that if Governor Santis-- DeSantis proposed legislation on some alligator farm that within two or three weeks that legislation would be proposed here in Nebraska. Surely, our state has more pressing matters such as mental health programs, criminal justice reform, prison legislation, education, and taxation. Those issues should be more important than drag shows in central and western Nebraska. I, I-- like I say, I'm a lifelong resident of Nebraska. I never once had someone come in my office and say, man, I'm concerned about the drag shows that we're having. What I fear is fascism. Let me give you a definition, and you-- and I know, I know you know what it is, but it's a far-right authoritarian--

WAYNE: Hold on, sir. Sir, sir, hold on.

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RON CUNNINGHAM: Oh, OK.

WAYNE: Time's up. Any questions?

RON CUNNINGHAM: Thank you.

WAYNE: Thank you. Thank you for being here. Next opponent. Welcome.

ANNA NESMITH: Hi. Thanks for having me. My name is Anna Nesmith, A-n-n-a N-e-s-m-i-t-h. I wrote something here, but I feel like now that this is full of statistics, this is full of experiences, but you guys don't want to listen to statistics and you guys don't know, you live in ignorance. The things I've heard coming from the proponents and from Senator Murman's bill are just completely false. I am 18 years old. I am a senior at Lincoln High School. I eventually want to be an SFX movie and makeup artist. I use drag as something that helps me complete this goal. I got into the SFX makeup through drag. I wouldn't be able to do ten drag shows until November if this bill was passed, and it directly harms me. If you really cared about children, you would care about gun violence because the number one cause of death for people ages 1 to 19 is firearms. People are getting killed in schools. I am scared to go to school. Drag queens are not the problem. I promise you that we do not have an agenda and we do not want to harm your kids. You are driving away the next generation of Nebraskans and you are driving away your future senators, your future legislatures because these downright oppressive laws make us want to move away. All we are asking is that we can exist in peace and we can have a space that we can share our art. Drag is art. Art is subjective. Please take into consideration the future of Nebraska. Please take into consideration everyone's experience here. Thank you for your time.

WAYNE: Thank you. Any questions? Seeing none, thank you for being here. Next opponent. Thank you you earlier for the hall-- helping with the hallway and just helping communicate things. I really appreciate it. Go ahead.

PETRA WAHLQVIST: Good evening, Chairman Wayne and esteemed members of the Judiciary Committee, and thank you for being here to listen to everyone's testimony. My name is Petra Wahlqvist, P-e-t-r-a W-a-h-l-q-v-i-s-t, and I'm the executive director of Nebraskans for the Arts. Nebraskans for the Arts is a statewide nonprofit organization committed to advancing opportunities in the arts to improve the lives and learning of all Nebraskans. One of our

priorities is to monitor the effects, negative or positive, of new bills on the arts and cultural sector in our state. I'm here today speaking in opposition of LB371. What we do in the arts is bring people together. The arts play a powerful role in creating community and we also stand against any form of discrimination and strive to be a welcoming experience for all. Specifically, here are a few key reasons why LB371 would negatively impact the arts and cultural sector artistically, practically, and economically. According to the definition of a drag show in LB371, the bill could have the following effects. One, place undue financial burdens on organizations for instituting screening methods. This bill places undue burdens on Nebraska organizations, including small businesses and nonprofits who would need to establish screening methods to see the age of their patrons. This would add to staff costs or put stress on volunteers with the possibility of a \$10,000 fine and a Class I misdemeanor if a mistake is made. Two, cause financial hardship for small productions. Oftentimes for financial and practical reasons, one performer plays multiple roles in regular or touring productions. Some of the roles one actor plays may-- oh, sorry-- may not be of the gender the is assigned at birth. One-person shows specifically are made for one actor to portray multiple parts, usually of different genders. Hiring additional actors and paying for extra lodging and travel if touring puts an undue financial burden onto small companies. Three, prevent access to Shakespeare's work for audiences and actors under the age of 19. Most of Shakespeare's work features scenes where characters dress as another gender to disguise their true identity. There are also artistic choices to present Shakespeare's work with an all male or an all female cast, especially in educational settings. Opera productions have the same challenges. Those opportunities can now not be offered to audiences or students under the age of 19 or under 21 if alcohol is served. Four, prevent opportunities for students in educational settings. In many school productions, students play roles that exhibit a gender identity that is different from their gender assigned at birth. For example, female students may play the shepherds in a mall in the Night Visitors or a female student may play Peter in Peter Pan. We want to ensure that students are not prevented from educational opportunities as best fit their program, school or community. These are a few of the unintended burdens on performers, organizations, educational institutions, and citizens that could come about from LB371. I hope these examples will help provide insight into the consequences of the bill. We stand against discriminatory language and these limitations on creative expression through the arts and, therefore, strongly oppose LB371. Thank you.

WAYNE: Thank you for your time. Any questions? Seeing none, thank you for being here. Next opponent. Welcome to your Judiciary.

TRISTAN JOHNSON: Thank you for having us today. My name is Tristan Johnson, spelled T-r-i-s-t-a-n, last name J-o-h-n-s-o-n. My name's Tristan, I'm from Arnold, Nebraska, a town of 600 people, if you've heard of it. I grew up as a little kid going to church. My grandpa was the preacher. I did not always feel accepted for who I was, but I always had dreams of coming to the bigger city of Lincoln because I knew that that's where more people like me may be. I never met a gay person until I was looking-- either looking in the mirror or until I was graduated and out of school. At about age 11 is when I knew that I was gay. I started experimenting with self-harm and queer representation would have helped me greatly. Queer representation, drag artists, and performers are not here to harm children. I did not experience queer joy until the year of 2017, when I had the privilege of going to a bar after getting my ID checked and watching a drag show. Seeing people freely be themselves after I was told that I was going to hell my entire life, laying in bed and praying to change was the life-changing moment in my life when I started to love myself. Restricting drag, restricting queer expression will do nothing to prevent anything happening from children except knowing that they can be themselves when they grow up. I'm nervous, I'm shaking, and I'm not usually like this when I'm speaking in public. I've been to state in speech. I work in customer service. I'm scared for our youth right now. If I was little Tristan and I was 11 years old right now, watching the news and seeing queer expression stifled like this, I don't know if I would have made it. I almost didn't already and the future looks very dark from here. When you're thinking about this bill, please think about the children that will be affected. Please think about the expression of adults, young adults, people who don't have family. These are my family. The performers you have, you have seen perform, the queer individuals you've seen speaking, they have done more for me and been there more for me than my personal family is. They're the ones I talk to and spend the holidays with. It is not my parents. Drag saves children. Thank you.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next opponent. Welcome.

AUTUMN SMART: Hello. My name is Autumn Smart, A-u-t-u-m-n S-m-a-r-t. I'm here today to oppose LB371 and my comments and views are my own. I'm an educator in an institution of higher education here in Nebraska. I'm an entomologist, means I study bugs, specifically bees.

One of the fascinating things about bees is that they dance. I don't know if you've heard about this, but it's called the "waggle dance." And it's used by bees inside a colony to tell their sisters the direction, distance, and quality of flowering resources in their surrounding environments. I regularly stand in front of my students, 19 years and under, 21 years and under, and perform very embarrassingly waggle dances. I will save you all from that today. I also read excerpts from books to my students for educational purposes, and I'm also trans, and therefore my biological sex does not match my gender identity and expression. So as I read this bill, in all seriousness, I may be considered a performer, and certainly am an educator. I read and dance in front of my class comprised of minors in an entertaining, you might put that in quotes, and educational manner. And as I read AM67, the amendment to this bill, it does include for educational purposes. So you might find that absurd that-- or, or say that that's clearly not the intent of this bill, but the problem is who decides what is adult entertainment because it's not adequately defined in the bill. So what happens when someone decides I've encouraged sexual interest when I read about discussing the mating behavior of bees? It's a fascinating topic. Briefly, queen bees mate with 10 to 20 bees, each, each male that they mate with inserts its penis into the vagina of the queen and that penis is broken off and the male falls to the ground dead. [LAUGHTER] So these are, these are the--

WAYNE: OK, that's inappropriate laughter.

AUTUMN SMART: --lucky, these are the lucky males. These are the lucky males in honeybees, right, the ones that mate, have their penises broken off and die. So how do we enforce the vague language in the bill? Sorry, I lost my place. This bill can easily be interpreted and used against trans and nonbinary people like me going about our daily lives, working, and trying to live in this state. Are you going to sic the morality police on me and people like me because we're just trying to do our jobs, live our best lives, and be productive members of this society. The rhetoric going around these days regarding LGBTQ people as pedophiles and groomers is dangerous and harmful. It promotes violence against gay, trans, and nonbinary and drag performers, including hate crimes and discriminatory bills like this one. So I urge you to oppose this bill. Thank you very much.

WAYNE: Thank you for being here.

AUTUMN SMART: Questions?

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WAYNE: If it wasn't so late, I have a whole conversation with you about bees right now. Between, between the two of us, we would have had a whole conversation, but we'll have to catch up another time.

AUTUMN SMART: Sure, some other time. Thank you.

WAYNE: Thank you. Next opponent. Welcome.

SERENITY DOUGHERTY: My name is Serenity Dougherty, S-e-r-e-n-i-t-y D-o-u-g-h-e-r-t-y. I'm here to offer testimony both as a lifelong Nebraskan and as a representative from the Lincoln and Omaha stand-up comedy community. I have a bachelor's degree, two master's degrees, two graduate certificates, and I'm a current Ph.D. student at the University of Nebraska-Lincoln, where my research focuses on stand-up comedy. There's no official organization for our local stand-up comedians, but I have been an active and respected member of the comedy community for over a decade and can confidently speak to the impact LB371 can have on stand-up comedy in Nebraska if it passes. To start, please do not pretend this is about prohibiting sexually explicit performances in front of children. If it was, you would have written it into the bill. No offense to all the wonderful drag performers we've seen today in this room, but as a stand-up comedian, I can assure you that not a single person who's been in this room today can hold a candle to the level of sexually explicit things that I have said into a microphone on a stage in front of children. Not just me, but also my cisgendered heterosexual husband, who I have been married to for 13 years. We got married at North American Martyrs Catholic Church. We both graduated from a Catholic high school. So just getting that out of the way. Additionally, like, like musicians, comedians get their start performing at open mikes. And I'm personally in charge of the longest running comedy open mike in the state of Nebraska at Duffy's Tavern, which has been happening for 37 years. This bill opens the possibility for bars to be fined \$10,000 if there's minors present at a drag performance. But because open mikes allow anyone to sign up, it's not practical to expect me to get birth certificates from people who come in, right, so I have no idea what their gender assigned at birth is. Additionally, we can't hire, like, a, a doorman at these mikes because we don't make a lot of money, and so bars are not willing to shell out money. So there are-- there is the potential for minors to be present, especially people under the age of 21, because comedians don't go to college often since there's not a degree in stand-up comedy. So they begin performing at around the age of 18. So I recognize that that's not the intention of this bill. It is attacking my LGBTQ friends, but it does still pose a

danger to my comedy open mike and many other art performances across the state because it's not about whether or not they will be charged, it's about the potential for charges and whether or not it's worth the risk. Comedy open mikes, bars are not going to risk a \$10,000 fine to host them. It would be the end of stand-up comedy in this state. Thank you.

WAYNE: Thank you. Any questions? Seeing none, thank you for being here. Next opponent. How many more testifiers do we got here? OK. Welcome.

JORDAN McCORMICK: I would like to thank everyone for having us today. My name is Jordan McCormick. That's J-o-r-d-a-n M-c-C-o-r-m-i-c-k, where people know me as Amy Lynn Grace around the community. I've been performing in drag for a little over a year now, and I can say that this community in Nebraska, and in general, is one of the most accepting communities that I have ever witnessed. I've been in speech, I've been in debate, I've been in mock trial, I've been in the arts, but this community is the one that was accepting of who I was. I didn't have to change one thing about me. If this bill was passed, it would be a direct violation of our constitutional rights of freedom of expression. Freedom of expression is supposed to be for everyone who lives in the United States of America, not just those white cis men. Additionally, if we really want to protect the kids, let's talk about the gun violence that's happening around America each and every year. According to the Gun Violence Archive updated on a regular basis, there have been over 39,000 instances related to gun violence. And 582 of those children ages zero to 11 have been killed or injured, and 2,277 ages 12- to 17-year-olds have been injured or murdered due to gun violence. This is what's harming kids in America. This is what needs to be talked about, not drag performances. My community is tired. We are fed up of constantly having to come here and testify for our own lives. And I know you're all tired of sitting here and listening to testimony after testimony, but buckle up because my community will show up every time. My community will come here and testify for our lives without fail and we will testify with every fiber in our body. I ask the community-- the committee to please do not let this bill pass. I ask those on the proponent side, please take your actions today under advisement before making a grave error of judgment. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent. Next opponent.

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JENNIFER ROSS: [INAUDIBLE]. He has one and I have one.

WAYNE: Yeah, for the record, though, you got to be separate.

JENNIFER ROSS: Oh.

WAYNE: Yeah, I mean, you can pull up a chair, I'm not worried about that. But I mean, let, let one person talk and the next person talk. You can pull up, you can pull up a chair.

JENNIFER ROSS: You want to go first? OK, go ahead. Go ahead and tell them your name.

ASA ROSS: My name is Asa, A-s-a.

WAYNE: Hold on, hold on one second. Do you have a, a camera? I do this with every kid. I want to make sure-- any kid participating on any topic, I, I think it's important to be engaged so I'll have parents capture it. Every kid who came before here has got a picture regardless of the topic. I've asked everybody--

JENNIFER ROSS: He had to take--

WAYNE: --to take those off. I, I know, I'm, I'm a parent. Yeah, you can't.

JENNIFER ROSS: Aaron, you got to take it off, the other people did too.

WAYNE: I'm being consistent.

AARON ROSS: Sorry. Go ahead.

WAYNE: You ready? You got to smile, though, first. All right, let's go.

ASA ROSS: My name is ASA, A-s-a.

AARON ROSS: And where you from?

ASA ROSS: I'm from Nebraska, Omaha.

AARON ROSS: Tell them what you think about drag.

ASA ROSS: I think drag is a, a good thing.

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AARON ROSS: Why?

ASA ROSS: It's because it makes me happy and I really like it and I really like dancing and pretending to sing--

AARON ROSS: And how does--

ASA ROSS: --and dressing up like a girl.

AARON ROSS: --how does it make you feel?

ASA ROSS: Happy and powerpul-- powerful.

AARON ROSS: Anything else you want to say? No? Tell them thank you.

ASA ROSS: Thank you.

WAYNE: Thank you. Any questions? Seeing none, thank you for being here today.

JENNIFER ROSS: I apologize, I'm going to talk fast because I have a lot to say and try not to cry.

WAYNE: Go ahead.

JENNIFER ROSS: Jennifer Ross, J-e-n-n-i-f-e-r R-o-s-s. A couple of years ago my son was four and our family attended Star City Pride. While there, my son drug my husband over to watch these drag queens that were here performing at the stage. He looked at my husband with wide eyes and said can I do that? Can I wear a sparkly dress and makeup? He then continued to bring up pride. We realized this was something that had spoken to him, so we created an open conversation about it. Just like wrestling and Girl Scouts, we knew nothing about those activities either. But when our kids wanted to participate, we made sure it was safe and then supported their interest just like drag. You see, my son has a love for all things glitter, sparkle, and sass. They are-- they literally make his beautiful blue eyes light up, but bullies in our society who can't keep their opinions to themselves have made my sweet child feel ashamed for the things that make his heart happy. Do you want to know the one place where my son feels confident, seem valid, and seems so safe? When he's at drag brunches and story hours. The drag community has given our shy son more confidence than our even undying support has, and I can't ever think any of them enough. Stop trying to draw lines between people being creative and sex, especially with children. They're two completely

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different things. He does all sorts of different things, including flag football. But none of those things make him feel complete like when he gets to put on his new wig, costume, glitter shoes, makeup and perform as Lulu Lovely Twirls She Her. You see, taking away drag shows, drag story hours or families being able to attend pride will affect our son directly in a deep way. But what is more important is the impact it will have on so, so, so many others. My son is the exact reason why being able to attend these different events help youth, youth get to experience a demographic and community they may not have had previous exposure to. This opportunity provides education, tolerance, love, and acceptance. Lord knows we need more of that. It also provides an opportunity for some youth to not feel alone, for them to know that their feelings or interests are valid, even if they don't fit in traditional boxes. We aren't trying to make you wear a dress if you don't want to, boy or a girl. But what we are trying to do is make everyone feel loved. What these children are going to walk away when they attend, not wanting to be a drag queen, they'll walk away with compassion, understanding, and appreciation for being their true, authentic self and respect for others being their true, authentic self.

WAYNE: Thank you. Thank you for your testimony. I'm assuming you probably have a lot more to say.

JENNIFER ROSS: No, that was--

WAYNE: Oh.

JENNIFER ROSS: I, I made it.

WAYNE: See, I was going to copy it--

JENNIFER ROSS: I, I, I skipped a couple of parts, but.

WAYNE: --I was going to copy it and put it in the record, but it's all right. Well, we got there. Any questions from the committee?

JENNIFER ROSS: OK, can I just say, you all were talking about my son earlier, so if you have questions, please ask my husband and I. You were talking about him. The, the child you all were talking about earlier that was stripping, that was him.

WAYNE: Thank you for your time.

JENNIFER ROSS: So still no question?

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WAYNE: No, we're, no, we're--

JENNIFER ROSS: OK.

WAYNE: --no. Thank you.

JENNIFER ROSS: All right.

WAYNE: Next opponent. You can't testify, you've testified, like, every hearing this year. You cannot testify.

JAYDEN SPEED: Yeah, I'm back.

WAYNE: [INAUDIBLE]. All right. Go ahead.

JAYDEN SPEED: Good evening, Chairman Wayne and members of the Judiciary Committee. My name is Jayden Speed, J-a-y-d-e-n S-p-e-e-d. And I just wanted to preference my testimony by saying thank you to the senators that are still here, that have been listening tonight. It's so important to our democracy that senators from all ideological backgrounds actually listen to the testimony that people give.

WAYNE: Need a couple of seconds. Just so people understand, there are people who have left, but I don't want to get the impression that they're not listening. I know Senator Ibach is in her car right now driving to Kearney listening, and she sent me a text saying she's still listening. So people are listening. I don't what the perception, and Senator Blood had to leave early, but they are listening. So not, not that you're saying, I just want to make it clear for the record, there may be other engagements going on but with technology they are listening. Thank you. Go ahead. Go ahead and start it.

JAYDEN SPEED: Thank you, Chairman Wayne. So I'm 18 years old and under Nebraska law I'm a minor who would be prohibited from attending a drag show if LB371 was enacted. I've come before this committee many times and, again, I want to share my personal story with you and hope that your humanity outweighs any ideology. I came out as gay when I was 13 years old. I was terrified to do this. So much so that speaking the words I'm gay was too difficult. So I wrote it down on a piece of paper and handed the note to my parents. There was-- there is nothing wrong with my identity. However, society in my rural community had told me at 13 years old that being gay was something that was looked down upon. I was told by politicians who oppose same sex marriage, who oppose same sex couples adopting and even enacted laws who oppose same sex relationships in general. I was also told this by a rural

community in a rural school where gay was an insult. Today, in 2023, I have not only become more comfortable in my own identity, but this state and this nation, I believe, have moved forward towards equality. However, a movement has arisen on the far right of the political spectrum which seeks to push LGBTQIA+ people back into the closet. This ideology has shown itself across the nation in coordinated legislative attacks against transgender youth, drag queens, and queer literature. These are the targets of the far right because they are the most vulnerable right now. But the far right hatred doesn't stop there, they're coming for all LGBTQIA+ people, they're coming for same sex marriage, they're coming for adoption, and they're coming for same sex relationships. The political cover of this far right movement is a despicable lie, a fantasy that proclaims LGBTQ+ people with their allies and drag queens, in particular, are groomers or pedophiles. This is, this is incorrect and is a direct call for violence against the LGBTQIA+ Nebraskans. Bills like LB371, LB574, and LB575 are a direct message that Nebraska is not for everyone. Young people know that these bills are not right for Nebraska and I urge the committee to oppose them.

WAYNE: Thank you. And after I mentioned that, I got about four more texts from other senators who aren't even on this committee saying that they are watching. So people are engaged. You have any questions? You know, it's the last hearing and you've been one of the few students-- and I just want to say this-- you have been one of the few students who have continued to show up, take time out on multiple issues, not just-- you can't be pigeonholed into one thing. And so keep, keep that same grind and keep same positivity. I think it's, it's, it's really cool to see that this year. But I wanted to say that because I don't know if you'll be around next year or not because you are getting ready to go to college, I think, and so I just want to tell you that right now.

JAYDEN SPEED: Thank you, Chairman Wayne.

WAYNE: Yeah.

JAYDEN SPEED: I appreciate that.

WAYNE: Any questions? Seeing none, thank you for being here. Welcome.

CARINA McCORMICK: Hi, my name is Carina McCormick, C-a-r-i-n-a M-c-C-o-r-m-i-c-k. No relation to Jason, I think it was. I don't know. He's not my cousin, so I don't know his name. So I listened to Senator

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Murman's intro and I felt a lot like Amber in Clueless after Cher gives her debate that's supposed to be about Haiti, but she talks about a party. And then Amber says, Mr. Hall, how can I answer that? If she doesn't do the assignment, I can't do mine. And I kind of feel like Senator Murman didn't do the assignment of knowing what his bill is about. And instead he created this act of violence on the queer community that we have to come out and defend ourselves. But we did understand the assignment that we came out to protect queer individuals, protect queer bodies, and protect queer joy. And drag queen story hours are one type of queer joy that we have available to us and that we can use to share with the next generation. It's actually perfect of a thing to do with kids because drag queen story hours are just high-level make believe, something that kids are already pros about. I get exhausted with my nieces and nephews and my friends kids at how fast they change. Oh, now we're a dog, now we're a cat. Now we're a lion. Now we're a lion pretending to be a dog. I don't know. But kids get it, right? So this is perfect. It allows us to play make believe along with them. Drag uplifts imagination and it uplifts joy. And kids deserve the experience of getting to play make believe along with the adults when the adults are doing the make believe in this very performative and kids, kids get it, it's make believe, it's fun. And kids thrive when they're allowed to live as if the world is only kind and only beautiful. And in these experiences, children are freed from the harmful confines of a "heterocentric" culture when they get to see queer culture in this way, instead of this horrific possibility that Murman talked about that kids somehow are going to be harmed by knowing queer culture that exists. Instead, kids are freed from this possible future where they might have to grow up feeling like they can't live the life that's authentic for them. And drag queen story hours protect youth of all kinds from ever having to live a life where other people get to tell them who they can become. And when I first heard about this bill, I thought about Shania Twain's Man! I Feel Like a Woman! song because, you know, she had so much fun dressing up in men's shirts and short skirts. I listened to that song and the line that really stood out to me was, I want to be free to feel the way I feel. And that's how I feel about this bill and drag. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. And no to the senators watching at home, I'm not going to list all the people who just texted me and said they're watching. I'm watching too. I'm watching. No, I'm not giving you a shout out. Sorry. Welcome.

HALLEY TAYLOR: Thank you. Hello, I'm Halley Taylor, H-a-l-l-e-y T-a-y-l-o-r. I'm here representing Omaha Girls Rock. I'm the executive director of our organization, which has been in Omaha for over 11 years. I want to talk very quickly about how our organization started. Our programming stemmed from Girls Rock Camp Alliance, which is actually now an international program which was founded in the early 2000s, primarily out of a punk rock music scene where women were receiving information from both the community directly and indirectly to be small, submissive, not take up space. And Girls Rock Alliance was started to do exactly the opposite. We ask our girls to stand in their power, to use their voice, and we do that through music education. Our mission is literally to empower youth to use their voice through music. I think that my community has done a phenomenal job bringing to light the, the massive effects that this could have on all art forms in our state. I have serious questions about what my responsibility is. Looking at this legislation, and I know exactly what it is. My responsibility is to protect and serve my community members. And that includes all, not just those who identify as girls, but those who are femme, gender expansive, gender questioning, gender nonconforming, trans all. We use music now to support girls plus in some of our affinity spaces, but our programming has been opened up to identities and all genders of those who are 4 to 18 years old. We make arts accessible, we make arts affordable, and we ask youth to be rock stars for a week. It is truly an awesome experience. I don't see how this is possible that we haven't thought about movie theaters, the impact on cinema, the impact on performing arts. Like we've talked about stand-up comedy recently, performing artists who take the stage, touring artists coming into our community, the massive implications here are beyond drag, and most importantly, it sends home a message that queer youth, queer adults, queer seniors who still live and thrive in Nebraska are not welcome. And we are all here to tell you, yes, they do. Trans Nebraskans matter, our youth matters. And if we want to get ahead of all implications of youth fleeing our communities in rapid amounts because of brain drain, this legislation is a really great example of what we can do actively as adults to not only educate ourselves to be more understanding and compassionate, but to truly be the leaders that we want not only in our world, but literally right here in-- at home. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none,--

HALLEY TAYLOR: Thank you.

WAYNE: --thank you for being here. Next opponent. You wasn't even thinking about putting that purse on the ground, huh? [LAUGHTER]

BIANCA SWIFT: It's an expensive bag. Hello. My name is Bianca Swift, B-i-a-n-c-a S-w-i-f-t, and I work with a nonprofit at Nebraska Writers. And, no, I'm not speaking today as a representative for them. I would still like to let you know the harm this bill would do to that organization. As the Nebraska Writers, we host an annual youth spoken word poetry festival and competition featuring schools from all over Nebraska and the Great Plains. This program has impacted thousands of students and provided a host of paid work opportunities, me included, for accomplished area poets helping Nebraska retain some of its best artistic talent. And this organization is in over 30 schools across Nebraska. It contracts around 30 to 40 local artists and goes out of the way to try and utilize local and underutilized venues to host its shows. I am one of the poets they employ. I'm a student at the University of Nebraska-Lincoln and this organization goes a very long way in helping me keep the lights on. I work with students from around ages 12 to 18 in an after-school club where we talk about metaphors and rhyme schemes and public speaking. All things that most students would never do in classes. And they show up and they're so excited and all they want to do is share their poems with people who feel-- who want to listen to them. And, yes, a lot of them are queer. A lot of them dress themselves in the clothes they feel comfortable in. I'm not going to restate LB371, Section 1, lines 3 through 11, because I know you know what they are, but I will say that this penalizes the students performing, the youth that are going to perform at these, at these competitions. This penalizes the local venues. This penalizes the nonprofit and this penalizes art. And more than that, this bill says it's about drag, but ultimately it's about gender. It is ultimately about trans youth. So this penalizes being queer. There are a lot of queer and trans kids whose only refuge from adults like you policing how they should look and who they are is on that stage. They're excited for it. They dress up for it. They look the way they want to look. And at this bill passes, you are taking something away from children who are already constantly losing spaces where they can be themselves. Protect the children is often a far-right dog whistle. But as someone who has served children for multiple years, I am saying please protect our children. Now I know this will not sway most of you because some of you have already decided about the people and the spaces you care about, and they do not look like me and they do not look like my coworkers and they do not look like some of my students. But I am begging you, any one of you who is on the fence that think so

deeply about what you are doing to children whose only crime is wanting to try being themselves for once, who just want to look like who they know they are, to reconsider what it is you are doing here and who it is you will end up serving if the children who will grow up into adults are kind enough to let you stay. Please reject this bill. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you. Next opponent.

JOSEPH THOMAS CHAMBERS: Also putting my purse on the counter because I'm a quick learner, right?

WAYNE: No, it's funny, though. It's true. It's, it's culture. There's, like, six cultures and African Americans are one of them.

JOSEPH THOMAS CHAMBERS: My name is Joseph Thomas Chambers, J-o-s-e-p-h T-h-o-m-a-s C-h-a-m-b-e-r-s. I am writing-- well, I wrote this and I emailed it so I'll just read it. I am writing in staunch opposition to bill, LB371. I am a writer and an artist living and working in Omaha, Nebraska. A portion of my income comes from teaching writing workshops to youth poets, many of whom identify as trans. All of these artists will go on stage and read poems. I have had to educate myself to make my workshop itself a safe and welcoming environment for all identities and genders. Mentoring young artists is the work that makes my heart sing. The language in LB371 would render it impossible for my writing organization to continue operating. Thus, not only would I lose a portion of my income, I would also have my vocation taken away from me. More critical than that, though, my students who need the space to create and make art will no longer be able to have that space if this moves forward. Is a fully homogenous society what you're really after? When you stop paying artists and when you limit freedom of expression and when you stop creating safe spaces for young artists to be free you harm your own culture. If you think brain drain is bad now, go ahead and move this bill forward, because I can't imagine why anyone would want to live in a state where you can't have theater, where you can't have drag, where you can't have performance art, where you can't have poetry, and when you can't have the freedom of expression. Think deeply before moving forward a bill such as this one. Art matters, drag matters, queer people matter, and we belong here. Thank you.

WAYNE: Thank you. Any questions from the committee?

JOSEPH THOMAS CHAMBERS: I'll take questions. [INAUDIBLE]

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WAYNE: Thank you for coming. Next-- it has to be complicated. Yeah, that's going to be hard to take off so we just going to rock it right now. Oh, no, it ain't. OK. Thank you.

GRACE JACOBSON: [INAUDIBLE]

WAYNE: There we go. All right. Welcome.

GRACE JACOBSON: Hello. Here earlier. My name is Grace Jacobson, spelled G-r-a-c-e J-a-c-o-b-s-o-n. I am here to implore you not to continue with this bill. My assigned sex at birth is female. This fact is important as under LB371 I would be legally permitted to wear my current attire while performing in public performance with minors present. Yet, all of my frankly better dressed kings and queens who have already left would not be allowed to, especially the ones that are assigned male at birth and choose to wear feminine clothing. There is no difference in our overall styles. Why is it they are considered a danger to children? The only explanation is that there are people assigned male at birth who are comfortable with exploring femininity are somehow perverse or feminine clothing itself is perverse. The former is absurd, and the latter is deeply disturbing. Historically, it was men who wore dresses, heels, makeup, and extravagant wigs. If such things are somehow now sexually charged on them, then they have to also be sexually now charged on women and girls. This is the same line of thinking when blaming the assault victim for wearing that skirt or having that makeup. LB371 serves to sexualize anyone who doesn't wear gender-conforming clothing or who is naturally androgynous. It infringes on Nebraskans' freedom of expression, which is part of the First Amendment. And frankly, I'm getting very fed up with this legislation-- legislation's-- legislative session constantly running these culture war hate bills. I don't care what other people wear as long as their bits are covered. I actually hate this dress. It's extremely uncomfortable. I can't breathe. I've been in this wig since 11 a.m. I've had this mask on my face since 10:30 a.m. I'm immunocompromised and I've been dragging my butt down here and I'm exhausted. I should have been home hours ago to eat and to rest and to make sure that my ankles don't swell up to the point that I'm unable to walk tomorrow. But I am here and I was here yesterday and I will keep coming because I am sick and tired of these attacks on a marginalized community. It's a marginalized community within a marginalized community. Trans people are not a threat. Leave them alone. Thank you for your time. I'm sorry for getting so heated. I am just very exhausted and done right now.

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WAYNE: Thank you. Thank you for being here. I don't mind the emotion and you kept it professional and civil. I really appreciate that. Any questions? Seeing none, thank you for being here and thank you for being a part of process. Welcome back.

AARON ROSS: Hello again. My name for the record is Aaron Ross. That's A-a-r-o-n R-o-s-s. I'm here to speak in opposition to bill LB371. When my wife and I decided we were ready to have children, we decided to give them strong names. We wanted to give them the names of civil rights leaders from our past. My oldest daughter, Evers is named from Medgar Evers, my son from Benjamin Mays, my youngest son for A. Philip Randolph. If I didn't show up today for this community that has been so accepting of our family, I would be a hypocrite because in our family we strongly believe for standing up for your rights. Trans people belong in this community. Trans people are loved in this community. Drag queens are a big part of that. There are straight drag queens. There are cisgender drag queens. There are kings that can go out there and dance better than I can dance. We have the best time going to drag shows as a family. We have the best time going to Drag Queen Story Hour as a family, as a family place where we can go and be with other families that feel like they're different, that they're nontraditional. And the only way that my family is nontraditional right now is because we allow my youngest son to perform and dance. If I allowed my oldest son to participate in sports and told my youngest son that he could not dance, I would be a hypocrite. As a parent, it is my job to uplift my children and make them the best that they can be. And if I told my son I know you love to dance and perform but you cannot wear this dress, I could not call myself a parent because I am not giving him that affirmational care in that moment. If I told him he had to wait till he was 19, I would not feel like a good parent. If this bill were to pass, we will not stop allowing him to dance in a dress in our home. He has performed already in other states. He will continue to perform in other states. He will continue to perform in Lincoln and Omaha as long as he is allowed to legally. But we will not stop lifting up our son. We want him to be the happiest child he can be, the most loved, the most affirmed child that he can be. I will take any questions. Thank you.

WAYNE: Any questions? Seeing none, thank you for being here.

AARON ROSS: Thank you.

WAYNE: I want to kind of stay in the back because they were kind of waiting on those of you who came in, so I want to make sure those who

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got here earlier and kind of first in line I don't need them behind.
Welcome.

MURPHY CAVANAUGH: All right. Thank you. Thank you, Judiciary Committee. I know it's really late, so thanks for staying and listening to all of us. My name is Murphy Cavanaugh, M-u-r-p-h-y C-a-v-a-n-a-u-g-h. And I'm testifying in opposition to LB371. I'm a second year law student at the University of Nebraska College of Law, and I'm also the secretary and treasurer of our law school's outlaw organization. It's our LGBTQIA+ support and advocacy group on our campus. So I'm not going to bore you with the numerous constitutional issues with this bill and frankly, just how poorly it's written. I mainly want to ask, like, why are we here? Like, what is the end goal? I'm really serious. Why is something like this even being debated or being brought forward? Of all the issues plaguing our country and our state right now, how come issues related to the queer community, such as drag performers and exposing children to perversion are the ones senators are thinking are the highest priority in this state right now? We've heard time and time again that it is to protect the children. What is becoming clearer and clearer is that this is a targeted attack to police and attack the queer community and queer spaces. A bill of this effect also specifically targets only a handful of businesses that host drag events and queer events. In other words, a \$10,000 fine would be a major economic hit to them and potentially bankrupt their businesses. And which businesses? Businesses that serve, support, or are owned by queer people who testified earlier today. The underlying theme is that the proponents want to discriminate against queer people. They fear what they don't understand. But mainly-- but maybe it's not for you to understand, and that's OK. But that doesn't mean you can legislate against it and erase an entire art form and community of people. Obviously, the senator who put forward this bill does not understand what an actual drag show is and what happens at a drag show, and that children are generally not present at drag shows hosted in bars. Further, the notion that taxpayer dollars are used to fund drag shows is one of the biggest bouts of misinformation I've ever heard. I'm sure some of the drag performers would love to-- love some state money thrown their way to put on their performances because drag is expensive, but that's definitely not the case. Where states like Minnesota have taken the initiative to become a refuge state for LGBTQIA+ people, especially trans people, Nebraska's actively choosing to drive more people out of the state. Good people. Artists, performers, doctors, musicians, educators, students, lawyers, business owners, advocates are leaving

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this state because legislation like this keeps coming forward and for some reason keeps passing through committees. Please don't let this one go through too, oppose LB371. Thank you and I welcome any questions.

WAYNE: Thank you. Any questions? Seeing none, thank you for being here.

MURPHY CAVANAUGH: Thank you.

WAYNE: Next opponent. Welcome.

BRIDGET HILL: Good evening. My name is Bridget Hill, B-r-i-d-g-e-t H-i-l-l, and I'm a classical musician, a professional performing artist, and a collegiate level educator in here in Lincoln, Nebraska. As a queer, professional performing artist in Nebraska, LB371 affects me directly, impacting my capacity for freedom of expression and my ability to earn a living as a performing artist. As written, this bill prohibits performances in which the main aspect of the performance includes a performer singing and dancing or otherwise performing while exhibiting a gender different than the one assigned at birth. I am not sure you fully thought through the wording of this bill. Let me pose an example. When I perform with the Lincoln Symphony, I put on my dress black suit to meet the dress code will be an all black. I'm pretty sure that when the state-- when the Lincoln Symphony performs they receive some version of state-level funding and children are present and you can buy alcohol at intermission. Yet, according to the wording of this bill, that's a misdemeanor. Another example, in 2022, the UNL opera staged a very famous opera by Mozart entitled "The Marriage of Figaro," which contains what music academics call a trouser role. A trouser role is literally academic speak for drag but in opera. In Mozart's case, it's an important plot point of the opera that his character Cherubino dresses in women's clothing and pretends to be a woman. I'm pretty sure that UNL's opera department receive state-level funding and that there are children present at those performances. Yet, to the letter of this law, the performance of that opera, which has been a staple in the repertoire since it was written in 1786, would be a misdemeanor. One more example. I have a colleague who's an UNL graduate who won a position playing flute in the Army-- National Army and Fife Drum Corps. She is the-- she and the other women in her unit dress in hats and wigs and uniforms traditionally worn by, worn by male Revolutionary War soldiers. They came to Nebraska on the 4th of July to perform in the aforementioned clothing. Under this law, to the letter, that would have been a misdemeanor. A military

organization in costume, in drag. Women have been performing in what is traditionally categorized as men's clothing for centuries, yet that doesn't seem to offend you. Why is it when it's men in wigs and dresses and makeup, that's where you draw the line? Nebraska Legislature, I'm here to tell you that you are not the arbiters of gender and-- gender identity and gender expression in the performing arts. You do not get to decide what is an acceptable expression of queerness on stage, not in the concert hall, not in the opera house, and not at Das Haus on a Saturday night. We are members of your community. We are your colleagues, your neighbors, your teachers and we are the performers that you applaud on stage at the Lied Center. Our gender expression and our identity, our art is beautiful and does not need to be protected from the youth of Nebraska. You are teaching them bigotry. Performing while LGBT is not a misdemeanor. Please oppose LB371.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Welcome.

JESSICA K.: Hi. I am Jessica Kirby, J-e-s-s-i-c-a, and I am here talking about LB371. So I am 16 years old and I am a trans woman and today I will be talking about this bill.

WAYNE: Hold on a second, is there a parent here? OK.

JESSICA K.: Yeah.

WAYNE: Transcribers, don't put their last name in the record, just put the first syllable of the last name. OK. Thank you. Go ahead.

JESSICA K.: I'm here today to talk about this bill and how it affects me and people in my community. I just want to live my life, fear-- not from fear, I don't want to live from fear. I want to be myself, my true, authentic self. I don't want to be hated. I don't want people to hate me. I want to be I. And what this puts in place is something that makes me fear Nebraska. And I'm supposed to love where I'm at. I'm supposed to love the state I'm in, but I can't because the state that I'm in is going against me and the state I'm in is trying to get rid of me and everybody I know. I want to be here. I love my state. I grew up in this state, but I can't be here because you guys are trying to get rid of me. What this bill does is it puts any trans person and person of drag who performs in danger. It puts my friends in danger and put people I know in danger. I lived in this community. I was in a church for all my life. They were incredibly supportive of who I am

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and as the person I became and I just want to be my true, authentic self. Yeah, I'm open to any questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Welcome.

KYLIE KIRBY: Hi, my name is Kylie Kirby, and it's K-y-l-i-e K-i-r-b-y, and I raised that [INAUDIBLE] behind me. She [INAUDIBLE]. My husband and I, and I raised six children here in the state of Nebraska. We live in Papillion, Nebraska. And Jessica is the first time we knew something was, you know, maybe a little different, it was probably when she was about 18 months. So we just kind of let her be herself. And as you know, your children, you just watch them grow and you-- they lead you and you just-- you don't change that. You know, it's, it's something that's inside of them and who they are, and not something that you instilled in them. We also have-- at that time, I have four boys-- I had-- they were all four boys in the home. Jessica was Carter [PHONETIC], and it was Jessica's fifth birthday. And really, really what she wanted was a makeup party. So I said, OK, let's have a makeup party. My two oldest boys that are now 22 and 20, at the time they were younger, way younger, and they said, Oh, my gosh, a makeup party. But they looked at her and they knew. They said, I'm going to do that for her, because they knew that everybody in our home has to feel comfortable, just like they have to feel comfortable in their own state because this is their home. And we did-- the boys put makeup on and put dresses on, even my husband. And these are Husker fans, diehard little boys that have watched and grown, and my husband, diehard Husker fans, didn't matter, none of that mattered at the time. What mattered was the heart and loving somebody and what they needed. And then fast forward, we do go, we go to a church in Papillion and it's been the most supportive church that I've ever had. Her godfather is a priest. That, that year when she was five, we marched in a pride parade. And she looked up and said, is that who I want to be? You know, your child knows and what do you say to that? She wore a beautiful dress and high heels to that pride parade. And the only thing was hurt, she had blisters on her heels and dad carried her back to the car. Just want to ask you to remember children as children. And that's what they see, they don't see anything other than that. They see beauty. So please, please, please, please reconsider and think about our kids. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. I kind of want to stay in the back. I know you guys have been back there. Are you testifying? Then we'll--

_____ : [INAUDIBLE]

WAYNE: That's what I'm looking-- I don't know, that's what I'm asking. I'm, I'm-- so who was here first?

_____ : [INAUDIBLE]

WAYNE: That's fine, just-- let me make it-- somebody comes up.

CHRISTIAN VIHSTADT: I--

WAYNE: Just come up. Come on, come on, come on, come on. I didn't see you--

CHRISTIAN VIHSTADT: Sorry.

WAYNE: --I didn't see you move.

CHRISTIAN VIHSTADT: I messed it up [INAUDIBLE].

WAYNE: No, no, yeah. See, that-- see, that's not my fault. Go ahead.

CHRISTIAN VIHSTADT: Good evening. My name is Christian Vihstadt, C-h-r-i-s-t-i-a-n V-i-h-s-t-a-d-t. I just wanted to quickly extend a thank you to Chair Wayne. I was also at the hearing for LB575 and I remember I was cut off from testimony because of the time limit so thank you for making sure all voices got heard. I've lived in Omaha my whole life and I'm currently a constituent of Legislative District 31, represented by Senator Kauth. Over the course of the last few months, several bills have been introduced to restrict gender expression in the state of Nebraska. I'm sure you remember voting on LB574, the Let Them Grow Act, just yesterday. The defense for both this bill and LB574 is a vague deflection of protecting the children. This sounds noble enough, I love protecting children. I'm studying education right now and one thing I've heard over and over again is that we should always put children first. And of course, I agree. But members of the Judiciary Committee, this bill does no such thing. For all of the talk of sexualizing children I've heard from drag opponents, I've never seen it. See, on the rare occasion that a child sees a drag performer, it's not in places like bars and clubs. Drag queen story hours happen in libraries and bookstores and full shows that allow minors take place in cafes, plazas, and other family friendly venues. And when minors are in attendance, it's not a sexual act more than a brunch at Hooters, and really even less so. So if this bill won't actually save the children from displays of sexuality, what does it do? This bill is

for the sole purpose of policing people with different gender expression or who just like to perform. Drag is an art form, and whether you enjoy it or not does not determine whether it should be legal or not. In fact, I've been to drag shows before, and guess what? I didn't really like it that much. Sorry to all of the drag performers who have testified before. You are all still amazing. But here I am defending drag because I know that freedom of expression is important, more now than ever, because this bill is only meant to further the agenda of banning gender expression and to get closer to the goal of eliminating gender nonconforming people from Nebraska altogether. In closing, the entire argument for this bill is based on the false narrative that drag is indoctrinating children into sexual activity. Those kids are already exposed to sexual content nearly every day. You see more explicit content watching Titanic or going through the paintings at the Joslyn Museum than you do at a drag show for minors. Please oppose LB371. And if you don't like drag, just don't watch it.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

CHRISTIAN VIHSTADT: Thank you very much.

WAYNE: All right. Anybody else move and trying to trick me here? All right. Next opponent. Welcome to your Judiciary.

CLAIRE COVERT-BYBEE: Thank you. Thank you, Chair Wayne and members of the Judiciary Committee. My name is Claire Covert-Bybee, C-l-a-i-r-e C-o-v-e-r-t-B-y-b-e-e. I'm here to provide my testimony in opposition of LB371 and the proposed AM67. I represent myself and not my employer or any professional organization that I may be affiliated with. I think we can all agree that LB371 and AM67 are, are poorly written. I think they're written in a broad language that does not-- or that allows for too much of broad interpretation. Drag is joy. Drag is art. It is not inherently obscene. We already have laws that exist to address access of minors to obscene or prurient materials. If drag truly were obscene, there would already be actions taken against it. It's not. You have those laws available to you. It's clear that this bill is targeted to a particular community, the LGBTQIA community, and that it was created out of a place of fear and possibly hatred. It's not a bill that was created to protect minors. As we said-- as I said, those laws already exist. It's a bill meant to vilify a small community. And as you've heard from most of these testifiers, each one of you has somebody that supports drag in your community. And when you legislate out of fear or misunderstanding, you damage your community,

you divide your constituents. And if there are concerns about the content of any performance, not just drag performances, like I said, there are laws already in place. As senators elected to represent your constituents, please know that every one of you has a member of the community that supports drag somewhere in your district. As a parent, I support drag in all of its forms and I consciously expose my children to age-appropriate forms of drag through drag story hour, through the Star City Pride parades, the Heartland Pride parades. I think they're excellent ways for kids to see healthy self-expression, to see inclusion, and to know that there's a place for everyone out there. I urge the members of the Judiciary Committee to not vote LB371 out of committee. Thank you for this opportunity. If you have any questions, I'll answer them.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

CLAIRE COVERT-BYBEE: Thank you.

WAYNE: Next opponent. Welcome.

VELMA LOCKMAN: Good evening. My name is Velma Lockman. That's V-e-l-m-a L-o-c-k-m-a-n. To start, let me tell you a story about the first play I ever performed when I was in high school. It was a wonderful rendition of Cinderella, which, despite not being written as a comedy, invoked endless laughter from the audience thanks in large part to two boys playing as the evil stepsisters. Another campy and over-the-top performance when they were trying to, you know, win the prince's heart during the royal ball, turn the play from just a, you know, boring, regular high school rendition of Cinderella to something absolutely hilarious we'll continue to talk about. Now, in the audience were parents, the young siblings of the actors, and our classmates who, of course, being in high school were minors. I'm confused, where was the danger to the children in the audience enjoying the spectacle? Do any of you seriously think that this is an unsafe environment for children or that this was a traumatic memory for any of them? Do you think that parents bringing their children to Shakespeare performances with men playing as female characters were putting their own children in danger? Do you think that Mrs. Doubtfire is inappropriate for 15-year-olds to watch? These are all ridiculous claims to make, and that's why this bill is so ridiculous. Now, I and every person who spoke in opposition today supports protecting children. Any reasonable person does. So if this bill is really about protecting children and keeping them away from sexualization and

inappropriate content, then why doesn't this bill ban parents from bringing their children to R-rated movies with graphic violence and depictions of sexual violence? Why doesn't it ban fathers from bringing their ten-year-olds to places like Hooters? Why doesn't it ban creepy parents from objectifying their daughters for audiences of perverted adults in child beauty pageants? It doesn't ban any of those things. Now let me tell you something that does ban. I'm a trans woman and a member of a chorus in Omaha. When I perform this June, my brother will be 18 years old. The clothes I will be wearing will be feminine, but, quite frankly, even more modest than what I'm wearing right now. Is there something so harmful about my brother, who's attended so many of my theater performances through high school, coming to watch me sing some popular music from the 1970s? I love my brother dearly and I just want him to come to see me perform and see what I've been working on for several months now. Let him watch me perform. Just reject this ridiculous, unnecessary, and hateful bill. Thank you.

WAYNE: Thank you. Any questions? Seeing none, thank you for being here. Next opponent.

WILLIAM MANHART: Good evening. I'm William Manhart, W-i-l-l-i-a-m M-a-n-h-a-r-t. Senator Wayne, I'd also like to extend my gratitude for you sticking around for LB575 the other week, letting us give testimony when our time ran out instead of-- in, in front of Senator Murman. Good evening, Judiciary Committee. I'm here to support the LGBTQ community and as a parent of transgender children, I oppose LB371. LB371 is the third bill in a series of bills brought forth by certain senators in the guise of, quote unquote, protecting children. But instead, these bills are including-- these bills, including LB371, that are, are sowing hate and division among Nebraskans. These bills have stalled our Legislature. They have stalled our Legislature not because Senator Cavanaugh is doing it. It is because these bills, LB574, LB575, and LB371 are affecting lives and people's rights. And when people's lives and rights are affected, people will fight. I have lived in Nebraska all my life. I don't intend to leave and I will continue to fight for the LGBTQ community and I will teach my children to fight. I am disheartened by these people that are afraid. I don't blame them for wanting to leave Nebraska, but I'm going to stay and I'm going to fight and I'm going to teach my kids to fight. This is ridiculous. A lot of people have already said this is-- this bill limits the First Amendment rights of drag performers. This limits my right as a parent to decide which performance my children can be part of, this limits my child's rights to perform in plays, in music. My

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youngest is-- plays in the Youth Symphony. He may partake in plays when he's older that this bill limits this right. I urge this committee to please let this bill die in committee and not move it forward. Thank you. I will take questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next opponent. Next opponent. Welcome.

KIMBERLY METZGER: Hi. I'm back. Hello. My name is Kimberly Metzger, K-i-m-b-e-r-l-y M-e-t-z-g-e-r, and today I come to speak against LB371. I have two children, 10 and 16, and I have attended the all-age drag shows at Mana Games. They are delightful. The lovely people performing can be seen for the duration of the show. You can chat with them a little bit afterward. And that's it. There's no lewd, nothing lewd, no grooming going on. It's just a good time. So why are we here discussing this bill today? What bad things have happened to children at a Drag Queen Story Hour or a drag brunch? Is there some horrible pedophile drag queen I've missed? LB371 seems completely unnecessary. This bill is poorly written outlawing performance and clothing and makeup of the opposite, opposite the person's born sex. Does that include Shakespeare? You can't do "Twelfth Night" if you can't have cross-dressing, high school performances where there weren't enough boys to fill all the positions or maybe pastors standing up front in dresses. Is that going to be allowed? Taking into account all of the possible interpretations, the lack of necessity and the harm it would cause businesses and trans people, please, please vote to kill this bill. We don't need this hate in Nebraska. We can be so much better than all of the other states that are passing legislation like this. Let us be a refuge, not a place of hate. Thank you.

WAYNE: Thank you. Any questions? Seeing none, thank you for being here. Next opponent. How many more testifiers do we have for the opponent section? Can you guys just all come up to the front so I cannot keep having this confusion of four or five people standing up. OK.

CARMEN SMITH: Hi.

WAYNE: Welcome.

CARMEN SMITH: Hi. Hi, my name is Carmen Smith, C-a-r-m-e-n S-m-i-t-h, and I'm here to testify in opposition to LB371. I didn't prepare any notes because I didn't actually plan on testifying tonight, so I, I just came down here really quickly. So please forgive me if my

thoughts are a little bit disjointed. First of all, the stated intent, as Senator Murman said this morning on the legislative floor, is to outlaw sexualized content in front of children. There's nothing inherently sexual about drags. There's nothing inherently sexual about clothes. Drag performers are welcome members of our community, not just the LGBTQ community, but the artist community, because they are artists and they're kind and they read to children. Now, let me talk a little bit to what I think the real intent of LB371 is, and that is because we can't divorce it from all those, those other bills. We can't divorce it from the bill he heard here before, LB441, I believe is the, the bill number, the library number, LB574, and LB575. I have a transgender son. After the vote yesterday, I watched from the balcony, and I checked in with him and made sure that he was OK and he's not OK. He told me that he's worried about this bill the most because he's worried that if he gives a job speech in front of an under-- underage child, which he doesn't know is in the audience, while wearing pants, he's going to get arrested on stage. This is what these bills do to our kids. This is what these bills do to our community. They are there to instill fail-- fear, and they all work together to erase trans people and to erase anybody who doesn't conform to some, some sort of gender ideal or gender expression. They're hateful and we can't separate them. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent.

JILL DIBBERN MANHART: Good evening, Chairman Wayne and the Judicial [SIC] Committee. My name is Jill Dibbern Manhart, J-i-l-l D-i-b-b-e-r-n M-a-n-h-a-r-t. I'm a mom of two transgender children, and I'm tired. I'm tired of my state senators using discrimination and hate under the guise of protecting children. What I have seen is that they are only concerned that they-- what I have seen is that they are only concerned of protecting children that they deem appropriate or that are following what God wanted. They're not concerned with protecting my children. I've been here opposing LB574, LB575, and now LB371. This week I've listened in the balcony, a state senator said things like, if left alone, children will go back to as God wanted. Don't entertain their childish notions, a contagion spreading in our schools. Someone planted the idea in their head and promoted it. Just a whim and a whine of a child. And it's just temporary. I've heard senators flippantly say LGBTQ, transgender, or furies or whatever. I have read a tweet from a committee head saying, youth transgender bill, hold my beer. I don't think you can understand how painful those comments are to me as a mom, how harmful they are to my children.

These are our senators saying things about human beings. Human beings like the beautiful people that were behind me and are still behind me who I would allow my child to be around rather than many of the senators that I interacted with this week. My child has known who he is since a young age. It was not something I groomed him in or anyone else did. It is who he is. With this bill, as it is written, he could not perform in a play, a band, or a talent show. When I emailed Senator Murman expressing my opposition to this bill, this was part of the response I got. I was raised to love my neighbor as myself also. I do believe in the truth of God's word, as he has shown us in the Bible. I cannot encourage anyone in sin. Encouraging sin is not showing love. What happened to the separation of church and state? I grew up in a church in the middle of Nebraska and I read the Bible. I want to know where Senator Murman finds a trans person or someone in drag is a sin. If he is just picking lines from the Bible, then has he sacrificed any of his children? Does he make the women in his life go to the woods when they're menstruating because they're unclean? What I learned from early church experiences is to love everyone, except everyone and do no harm. Let, let this be clear, these bills do not protect children and, in fact, they do great harm. Please, please oppose this bill. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent.

STEPHANIE MEYER: Hi. Good evening. My name is Stephanie Meyer, S-t-e-p-h-a-n-i-e M-e-y-e-r. The "heterosexualization" of children is something that happens all of the time. From fairy tales to Sunday school lessons, children are taught about heterosexual behavior. From kissing-- from little boys kissing little girls without consent, and adults not stopping it. And in my personal experience, being groped and told my developing female body would make all the boys like me by a male family member. However, in all of my experiences with drag performers, my boundaries have always been respected. I am inspired and feel uplifted any time I see a lovely person in drag. Can you imagine a Twilight Zone episode where instead of outlawing drag performances, gender conforming performances were criminal offenses instead? Senator Murman does not respect the constitution. He wants to use his power in this body to make the state unclear. What a shame this is a good bill he thought was good for the state. And to the drag kings and queens and all of the queer people in Nebraska and around the world, I love you with my whole heart. Thank you.

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WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next opponent. This is not the Education hearing.

WES JENSEN: It's not.

WAYNE: Good seeing you again.

WES JENSEN: I'm Wes Jensen, W-e-s J-e-n-s-e-n. Thank you, Chairman Wayne, for making sure that this committee hears from the second house of the people of Nebraska. I really do appreciate that. I wasn't planning to testify. I'm a teacher. It's been a long week after spring break, and I wanted to go to a fish fry in Omaha, have a few beers, eat some fish and hang out, watch some basketball. But I saw that this hearing would be going late and I knew it was the last opportunity for me to have my opinion be put in the record for all of you to hear and for the whole state. And so as, as a gay man I grew up in where Senator Murman grew up. I went to church with Senator Murman and I-- the last testifier talking about the response he gave, really, I'm perplexed because that's not how I was raised and that's not the God I know, the Jesus I know. And so I hope all of you, if you are a person of faith, that you truly do reflect over what God truly intends to be. And there are so many beautiful people who spoke here this evening and their creativity. I'm, I'm not a drag performer. Honestly, I don't go to drag very often, but sometimes I love to go to Flixx in Omaha and have a good time. But I believe in creativity, I believe in expression, and ultimately I believe in the humanity of all people. And I hope you would do the same. And I just want to speak directly to the trans youth of Nebraska. You are loved. There are so many more people who care about you than the people who want to erase you from existence. And we seen all that this week by those who chose to support the denial of healthcare to our trans youth. And so I ask you, please do not support this bill. Please seek help. And if you would, I know the light went on, but I think it's so important to the trans youth who need support contact The Trevor Project. You can text START to 678678 or you can call 1-866-488-7386. You are loved. You are seen. Do not give up. Thank you.

WAYNE: Thank you. Any questions? Seeing none, thank you for being here. Next opponent. You don't-- no, you don't need to look around, there's no time like the present. Come on up.

KAREN WILLIAMS: I've waited to the last because--

WAYNE: You're fine.

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KAREN WILLIAMS: --I really wasn't sure that I was going to testify.

WAYNE: Go ahead.

KAREN WILLIAMS: I came in support, and these are my babies.

WAYNE: You have to speak up a little bit.

KAREN WILLIAMS: I get the dubious distinction of being a "Karen" these days, so it's K-a-r-e-n, Williams, W-i-l-l-i-a-m-s.

WAYNE: That was pretty good.

KAREN WILLIAMS: And I will be a "Karen" if I need to be. I am not who you would expect to be testifying tonight. I am a cis white, straight woman. Admittedly, over 60 and I had not stepped foot into a drag bar until I was over 55 years old. I went to my first drag show as a little church lady, purse on my lap, trying to figure out what this was all about. My child is nonbinary and is a fantastic, fabulous drag performer. I am admittedly a helicopter mama and I wanted to see what was going on since I was a naive farm girl and I was so surprised by what I saw. All of my preconceived notions went out the window at my first drag show. I was embraced with loving arms by the most loving, generous, giving, creative individuals that my life has been incredibly blessed by this community, and I can't tell you how wrong I was. I really feel guilt for all of my preconceived notions. And so I would just really encourage people to attend a Drag Queen Story Hour. They-- kids are so engaged and just seeing somebody dressed up and playing dress up and it's-- there's nothing sexual about it. It's, it's such a loving environment and I just encourage people to, if you don't know, if you haven't been, please go. Please support these loving people. And again, I, I apologize to the community for how wrong I was for so many years. And I love my babies.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next opponent. Welcome back.

GARREN HOCHSTETLER: Thank you. My name is Garren Hochstetler. That's G-a-r-r-e-n H-o-c-h-s-t-e-t-l-e-r. I live in District 28 and I work at a children's librarian representing only myself today. Senator Murman's AM67 for this bill would add language "reads books" as one of the types of drag performances this bill forbids when minors are present. So I take this to mean, as others have, that children's programs like Drag Queen Story Hour in Nebraska are being targeted. As a professional story time leader myself, I'm familiar with the need to

be welcoming, engaging, and age appropriate at children story times. I've attended maybe half a dozen Drag Queen Story Hour events over the years and have found them to be welcoming, engaging, and age appropriate. The fear is that if parents are allowed to take their own children to an event where a drag performer in costume reads books, their child might think it's OK to be queer, or at least it's OK for anyone to wear a suit jacket or a skirt. The parents who take their kids to family-oriented drag events do typically want their kids to learn those lessons. And that's their right. This bill is a government overreach against parental rights, and it's unkind. As Fred Rogers or perhaps a drag queen would say to these kids, "You've made this day a special day, by just your being you. There's no person in the whole world like you, and I like you just the way you are." Thank you.

DeBOER: Are there any questions? I don't see any. Thank you for being here.

WAYNE: Next opponent. Welcome.

NATALIE WEISS: Thank you, Mr. Chairman. Mr. Chairman, members of the committee. My name is Natalie Weiss, N-a-t-a-l-i-e W-e-i-s-s. I'm appearing here today on behalf of Randal Kottwitz, R-a-n-d-a-l K-o-t-t-w-i-t-z. My name is Randal Kottwitz, and I'm a professional theatrical and event producer and director. I currently direct Hastings Pride, the third largest LGBTQ pride celebration in Nebraska. Now in its fifth official year, 650 people celebrated pride with us last year, and we are expecting as many as 1,000 guests to join us this summer. Our free event is very friendly-- family friendly, including inflatable rides, face painting, a photo booth, and many more activities and entertainments to appeal to all ages. I write in objection to LB371 on three, on three bases. One, how will this bill affect currently existing events? Although we do not include drag performance as a primary part of our programming at Hastings Pride, we do consider it a fundamental entertainment art appropriate for the LGBTQ+ audience, including families. We want the option to include it in future festivals without unreasonable restrictions. Two, how do you define performance in the context of this proposed law? Our event in Hastings has free admission in a city park we rent for the day. All are welcome to march and celebrate. Even if we don't program drag performances in our entertainment, there are likely to be a number of people in attendance in drag. Are we to be made responsible for how people dress at our free public event? And one of-- if one of our attendees chooses to dance or sing or entertain on their own, does that fit the definitions of this bill? Three, lastly, how will this

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law affect theatrical performances that are not primarily drag events? Several years ago I directed a production of a comedy called "Leading Ladies" for the Hastings Community Theater. This romp involves two men who dress as women to bilk a widow of her money. The play is quite popular and has been produced by many community theaters in Nebraska. How would this law affect such performances by theaters and schools? The convention of men dressed as women and vice versa is a centuries-old tradition in theater and would apparently be made illegal by this law. I will leave it to others to make the case that drag performance is a harmless form of art entertainment that can be shaped appropriately for audiences of all ages. Are all drag performances appropriate to children? Of course not. But that doesn't mean that all drag performances must be restricted any more than restrict other forms of entertainment. Most drag take place at bars or other adult establishments, which already have age restrictions in place. Performances like drag brunches and drag story hours are obviously not the same as adult entertainment at bars. But this bill makes no such distinction in its heavy-handed penalties and vague language. I plead with you to reconsider this harmful law. The message it sends to children is that there is something wrong with drag performers and by extension in association the LGBTQ+ community. Thus, this bill is harmful to the LGBTQ+ community, the theater community, to families and children. Thank you for your consideration.

WAYNE: Thank you for your testimony. Any questions? I do have one.

NATALIE WEISS: Yes.

WAYNE: Partly because you've been down here all day waiting and you spent your time reading a letter from somebody who couldn't be here. So I want to give you an opportunity, I'm not going to give you a full three minutes, but I want to give you an opportunity to speak on behalf of yourself.

NATALIE WEISS: Thank you. The senators to my right, I'd like to address this to you.

WAYNE: Well, I'm not going to let you do that.

NATALIE WEISS: I, I appreciate that.

WAYNE: You're going to address the whole committee.

NATALIE WEISS: Thank you. Of course. Of course. I apologize.

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WAYNE: See, I give you, I give you a little bit and you try to run away with it. Come on now.

NATALIE WEISS: I, I love this country, Senators. I, I suspect in a way not dissimilar to the both of you. I spent 16 hours and a lot of pain putting the preamble to the constitution on my back as a tattoo. I use that as a physical representation of my deep admiration of this country and our democratically elected Republican form of government, represented republic form of government. I wear a lot of hats in my life, and one of them is as an actor.

WAYNE: Thirty seconds.

NATALIE WEISS: In 2020, I was able to perform in a play at OCP, which is called "I Am My Own Wife," which is about a trans woman from Germany who survived the Nazis and after the war survived the Stasi and the Soviets and their draconian measures against the LGBTQ+ community. This bill is part and parcel of tactics used by fascist totalitarian regimes that historically have been this country's most ardent physical enemies and political enemies. This is a tactic used by Soviets. This bill belongs in the Soviet Union.

WAYNE: Thank you for your--

NATALIE WEISS: What would Ronald Reagan say?

WAYNE: --thank you for your testimony. Any questions? Seeing none, thank you for being here. Thank you for being a part of process.

NATALIE WEISS: Thank you, Senators.

WAYNE: Next opponent. Next opponent. Seeing none, we'll move to neutral testimony. Come on up. And then-- welcome.

JULIETTA L.: Hi.

WAYNE: You have to speak a little louder and I want you to spell your, only spell your first name for the record, please.

JULIETTA L.: I am Julietta, J-u-l-i-e-t-t-a.

WAYNE: Lean forward just a little bit closer to the mike so we can hear you. It's not your fault, this is the worst room to do testimony in. Go ahead.

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JULIETTA L.: I wouldn't say it's the worst. [LAUGHTER]

WAYNE: Well, then. Go ahead.

JULIETTA L.: This place is nice, don't see stuff like this every day. I had read a book, it's stories from World War I and II. I wrote six pages for one of my teachers just as credit. I didn't really expect to get anything out of it, but at the end of the book there was a quote that kind of stuck to me. It said: When you go home, tell them of us and say, for your tomorrows, we gave our todays. Thank you.

WAYNE: Thank you. Any questions from the committee? Thank you for coming down.

JULIETTA L.: Yeah.

WAYNE: Next neutral testifier. Welcome to your Judiciary.

DARREL E. LECHNER, JR.: It's been a long day. And I know you've had a long day because I seen you in the Legislature earlier and I'll start. My name is Darrel Lechner. I'm from the La Vista, Nebraska.

WAYNE: Spell your name.

DARREL E. LECHNER, JR.: My name is Darrel, D-a-r-r-e-l, middle initial E., Lechner, L-e-c-h-n-e-r, and I'm a junior. I'm from La Vista, Nebraska. And I was originally down here at about 11 a.m. this morning. And then I had to race back to get my daughters from school, and had to feed them, showers, and we raced back down here. And I was down here last week, too. I've seen multiple senators across it. And I wanted to thank you again, specifically. I have family with Indian background and Hispanic background, and I loved some of the thoughts you had presented earlier today about trying to get another bill out. At some point, hopefully, we can get everybody to move things along. And I really look forward to seeing some of that in the future. And I want to thank you now. Back to the point, I have 13 years as a school bus driver in OPS, Omaha Public School district. I also was a therapeutic-level foster parent. I worked with Project Harmony. I've worked with a variety of organizations for Lutheran Family Services, Catholic charities. I have direct knowledge of extreme situations which would make you cry. I initially came across as neutral on this, and I'm really leaning more towards pushing this bill forward and saying yes. I-- my-- I am-- I've seen too many-- and don't get me wrong, the majority of the LGB-- I mean, the majority of the people are great, but the protections that need this-- that this law needs to

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really stand for need to be here. Don't get me wrong, they are some of the, they are some of the most fun people. I have-- two my best roommates I grew-- I've lived with for years, believe me, they'll, they'll laugh at me later on about it. The LGBTQ community I'm quite familiar with and they-- but this law really needs to be for the children, and it is designed to protect the children. I have seen too many horrific things where children have been traumatically abused. I won't give names. The horrors I've seen will affect me the rest of my life and the children. And that's just me trying to help them get through it. I'm a survivor myself. I'm a fighter and I'm not going to stop fighting. But overall, like I said, the community is still a good community. It's the bad apples that make it problematic. And we got to defend the children as this bill is intended. And I'm, I'm-- just don't get me wrong, I'm sorry, I love them to death. And many of my friends understand my position on this, too. And, and they understand protecting the kid. It's not, it's, it's truly not--

WAYNE: Thank you for your testimony.

DARREL E. LECHNER, JR.: Thank you again.

WAYNE: Appreciate it.

DARREL E. LECHNER, JR.: Do you have any questions because I--

WAYNE: Any questions?

DARREL E. LECHNER, JR.: --do have an extensive background in a variety of things so I'd love to help you.

WAYNE: That's all right. Seeing no questions, thank you for being here.

DARREL E. LECHNER, JR.: And thank you for hanging out, too.

WAYNE: Next neutral testifier. Welcome back.

SCOTT THOMAS: Thank you, Senator Wayne, our Nebraska Judiciary Committee burning the midnight oil. I got my work cut out for you. OK. My name is Scott Thomas, S-c-o-t-t T-h-o-m-a-s. OK, so I'm, I'm here in a neutral capacity. And so I listened to three hours of this and I heard terms like bigot and far right. And I heard accusations of sexual misconduct in churches. And so I'm going to just say it. I don't like none of you. I don't like none of this stuff. But I don't care if you don't like that I don't like it because this is America,

seriously. But what I don't need, and I'm neutral on this because I don't need the government to impose on these folks on my behalf. What I need the state of Nebraska to do is uncuff fathers because there is a double standard in our judicial system, in our family and juvenile court systems that effectively disenfranchises fathers from being able to protect their children and make decisions in the best interests of their children. That's what I think needs to be addressed. You have parents who are separated and divorced. And as far as I'm concerned, this isn't appropriate for my children. Their mother can't consent to none of it. So pass it. Don't pass it. You could pass a resolution making national drag queen story day. I don't care. My kids aren't going to it and their mother can't consent. So the question is like, what kind of a civic environment does that create? What kind of a pressure we put on our fathers? Can we let our dads be dads? Any questions from the senators? My bad, man.

WAYNE: No, you're--

SCOTT THOMAS: I was kind of winging it. I come up here for a minute I had to--

WAYNE: You're all right. You're all right. You're all right. Any questions? Seeing none-- letter of records-- seeing none, thank you for being here. Do we have any more neutral testifiers? So we had 759 letters for the records, 157 in support, 601 in opposition, 1 in neutral. And before-- Senator Murman, before you close, I want to say something first. I want to thank everybody and those who are still listening, people who've been here. Some people were standing in their high heels for hours out there. I don't know, I don't know how you all did it, but it worked. But more importantly, I want to thank both sides today because, by and large, people were professional. And by and large, the civility was there. And I, and I just want to say to both sides, because I feel like there's a commonality on both sides in this, it's hard to be respectful in these committee hearings, it's hard to be respectful on the floor, and it's hard to respect the institution that sometimes you feel doesn't respect you. And that's the common thing that I heard today on both sides. It's hard to not get up here and do personal attacks-- so, again, I want to thank both sides-- when you feel like you are being personally attacked. Because I just-- I, I wanted to say that on the record. I wanted to say that to the people who are still listening and who are still here because both sides were heard. Both sides, I think, were treated with respect from this committee and they treated this committee with respect. And I think what separates us from a lot of other places is that civility.

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And I really wanted to just thank everybody for staying late for this committee, but maintaining that, that stability. So thank you all for doing that. Senator Murman, to close.

MURMAN: Yeah, I'll try and hold it to less than 15 minutes I know it's getting late.

WAYNE: I got the red light right here. Trust me.

MURMAN: No, I'm just kidding. I did pass out a handout here and that is the Facebook post for DragQueenStoryHourNE.-- I believe it's .org rather than .com. But it does have on the bottom of the Facebook post: Message Mrs. Yuka Layme. So I think there was testimony to the effect that that name wasn't used with those performances but actually it is on the Facebook page. And also I want to say I love all humans. It doesn't matter if they're gay, straight, and everything in between. I love them. I'm OK with drag performances. But this bill is all about protecting the children and many drag performances are inappropriate for children. They have illicit sexual content. And the handout I handed when we started had six, I think eight counting the two from Nebraska, but definitely six other websites that definitely have inappropriate content and a drag show that-- and children were in all of these drag shows. And so, so the bill is all about protecting children. And also I, I would like to protect children from the drag queen story hours. I think that's very inappropriate for, for young children to confuse them about their sexuality. And with that, I'll take any questions you might have.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

MURMAN: I really appreciate everyone staying this late. Really appreciate--

WAYNE: No problem.

MURMAN: --everyone who testified, especially the committee.

WAYNE: Thank you. Again, letters in support 759-- support-- or letters for the record 759: support, 157; opposition, 601; 1 in neutral capacity; and that'll close the hearing on LB371 and today's hearing.